

SMITH & LOWNEY, P.L.L.C.

2317 EAST JOHN STREET
SEATTLE, WASHINGTON 98112
(206) 860-2883, FAX (206) 860-4187

May 14, 2015

Via Certified Mail – Return Receipt Requested

Attorney General Loretta E. Lynch
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530-0001

RECEIVED ON:

MAY 18 2015

ORC

EPA Region 10
Office of the Regional Administrator

Via Certified Mail – Return Receipt Requested

Attorney General – Citizen Suit Coordinator
Environmental and Natural Resources Division
Law and Policy Section
P.O. Box 7415
Ben Franklin Station
Washington, D.C. 20044-7415

Via Certified Mail – Return Receipt Requested

Administer Gina McCarthy
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code 1101A
Washington, D.C. 20460

Via Certified Mail – Return Receipt Requested

Regional Administrator Dennis McLerran
U.S. Environmental Protection Agency, Region 10
1200 Sixth Ave., Suite 900
Seattle WA 98101

Re: *Waste Action Project v. Overlake Oil, Inc.*; W.D. Wash. No. 2:15-cv-00748


Dear Honorable Civil Servants,

Enclosed is a copy of the complaint filed yesterday in the Western District of Washington in the above-named Clean Water Act citizen suit. This notice is provided to you pursuant to 40 C.F.R. § 135.4.

Sincerely,

SMITH & LOWNEY, P.L.L.C.

By:


Meredith A. Crafton

RECEIVED ON:

MAY 18 2012

Office of the Regional Administrator
EPA Region 10

Richard Smith
Meredith Crafton
SMITH & LOWNEY, PLLC
2317 East John Street
Seattle, Washington 98112
(206) 860-2883

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASTE ACTION PROJECT,

Plaintiff,

v.

OVERLAKE OIL, INC.,

Defendant.

COMPLAINT

I. INTRODUCTION

1. This action is a citizen suit brought under Section 505 of the Clean Water Act ("CWA") as amended, 33 U.S.C. § 1365. Plaintiff Waste Action Project seeks a declaratory judgment, injunctive relief, the imposition of civil penalties, and the award of costs, including attorneys' and expert witnesses' fees, for Defendant Overlake Oil, Inc.'s repeated and ongoing violations of Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, and the terms and conditions of its National Pollutant Discharge Elimination System ("NPDES") permit authorizing discharges of pollutants from Defendant's Kirkland, Washington, facility to navigable waters.

COMPLAINT - 1

SMITH & LOWNEY, P.L.L.C.
2317 EAST JOHN STREET
SEATTLE, WASHINGTON 98112
(206) 860-2883

II. JURISDICTION AND VENUE

2. The Court has subject matter jurisdiction under Section 505(a) of the CWA, 33 U.S.C. § 1365(a). The relief requested herein is authorized by 33 U.S.C. §§ 1319(d) and 1365(a).

3. Under Section 505 (b)(1)(A) of the CWA, 33 U.S.C. § 1365(b)(1)(A), Plaintiff notified Defendant of Defendant's violations of the CWA and of Plaintiff's intent to sue under the CWA by letter dated and postmarked March 11, 2015 and delivered March 13, 2015 ("Notice Letter"). A copy of the Notice Letter is attached to this complaint as Exhibit 1. Plaintiff notified Defendant's Registered Agent, the Administrator of the United States Environmental Protection Agency ("USEPA"), the Administrator of USEPA Region 10, and the Director of the Washington Department of Ecology ("WDOE") of its intent to sue Defendant by mailing copies of the Notice Letter to these officials on March 11, 2015.

4. More than sixty days have passed since the notice was served and the violations complained of in the Notice Letter are continuing or are reasonably likely to continue to occur. Defendant is in violation of its NPDES permit and the CWA. Neither the USEPA nor the WDOE has commenced any action constituting diligent prosecution to redress these violations.

5. The source of the violations complained of is located in King County, Washington, within the Western District of Washington, and venue is therefore appropriate in the Western District of Washington pursuant to Section 505(c)(1) of the CWA, 33 U.S.C. § 1365(c)(1).

III. PARTIES

6. Plaintiff, Waste Action Project, is suing on behalf of itself and its member(s). Waste Action Project is a non-profit corporation organized under the laws of the State of

1 Washington. Waste Action Project is a membership organization and has at least one member
2 who is injured by Defendant's violations. Waste Action Project is dedicated to protecting and
3 preserving the environment of Washington State, especially the quality of its waters.

4 7. Plaintiff has representational standing to bring this action. Waste Action Project's
5 members are reasonably concerned about the effects of discharges of pollutants, including
6 stormwater from Defendant's facility, on aquatic species and wildlife that Plaintiff's members
7 observe, study, and enjoy. Waste Action Project's members are further concerned about the
8 effects of discharges from Defendant's facility on human health. In addition, discharges from
9 Defendant's facility lessen Waste Action Project's members' aesthetic enjoyment of nearby
10 areas. Waste Action Project has members who live, work, fish, and recreate around Lake
11 Washington and are affected by Defendant's discharges. Waste Action Project members'
12 concerns about the effects of Defendant's discharges are aggravated by Defendant's failure to
13 record and timely report information about its discharges and pollution controls. The
14 recreational, scientific, economic, aesthetic and/or health interest of Waste Action Project and its
15 member(s) have been, are being, and will be adversely affected by Defendant's violations of the
16 CWA. The relief sought in this lawsuit can redress the injuries to these interests.

17 8. Plaintiff has organizational standing to bring this action. Plaintiff has been
18 actively engaged in a variety of educational and advocacy efforts to improve water quality and to
19 address sources of water quality degradation in the waters of western Washington, including
20 Lake Washington. Defendant has failed to fulfill monitoring, recordkeeping, reporting and
21 planning requirements, among others, necessary for compliance with its NPDES permit and the
22 CWA. As a result, Plaintiff is deprived of information necessary to properly serve its members
23 by providing information and taking appropriate action to advance its mission. Plaintiff's efforts

1 to educate and advocate for greater environmental protection, and to ensure the success of
2 environmental restoration projects implemented for the benefit of its members are also
3 precluded. Finally, Plaintiff and the public are deprived of information that influences members
4 of the public to become members of Waste Action Project, thereby reducing Waste Action
5 Project's membership numbers. Thus, Plaintiff's organizational interests have been adversely
6 affected by Defendant's violations. These injuries are fairly traceable to Defendant's violations
7 and redressable by the Court.
8

9 9. Defendant is a corporation authorized to conduct business under the laws of the
10 State of Washington.
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12 10. Defendant is an industrial lubricants and services provider that owns and operates
13 a facility located at or about 1021 8th St, Kirkland, WA 98033, including any contiguous or
14 adjacent properties owned or operated by Defendant (the "facility"). Lubricants are stored,
15 repackaged and shipped inside the facility. Outside the facility, there is heavy truck and forklift
16 use, off-loading of lubricants into double walled bulk storage tanks, cleaning of cylinders
17 returned from customer locations over a designated station, storage of plastic and metal totes and
18 metal drums stored vertically on pallets with painted galvanized lids, storage of empty 55 gallon
19 drums on their sides and storage of empty cylinders.
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22 IV. LEGAL BACKGROUND

23 11. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of
24 pollutants by any person, unless in compliance with the provisions of the CWA. Section 301(a)
25 prohibits, inter alia, such discharges not authorized by, or in violation of, the terms of a NPDES
26 permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
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1 12. The State of Washington has established a federally approved state NPDES
2 program administered by the WDOE. Wash. Rev. Code § 90.48.260; Wash. Admin. Code ch.
3 173-220. This program was approved by the Administrator of the USEPA pursuant to 33 U.S.C.
4 § 1342(b).

5 13. The WDOE has repeatedly issued the Industrial Stormwater General Permit
6 (“Permit”) under Section 402(a) of the CWA, 33 U.S.C. § 1342(a), most recently on October 21,
7 2009, effective January 1, 2010, modified May 16, 2012 (the “2010 Permit”), and on December
8 3, 2014, effective January 2, 2015 (the “2015 Permit”). The 2010 Permit and the 2015 Permit
9 (collectively, “the Permits”) contain substantially similar requirements and authorize those that
10 obtain coverage thereunder to discharge stormwater associated with industrial activity, a
11 pollutant under the CWA, and other pollutants contained in the stormwater to the waters of the
12 State subject to certain terms and conditions.

13 14. The Permits impose certain terms and conditions on those covered thereby,
14 including monitoring and sampling of discharges, reporting and recordkeeping requirements, as
15 well as restrictions on the quality of stormwater discharges. To reduce and eliminate pollutant
16 concentrations in stormwater discharges, the Permits require, among other things, that permittees
17 develop and implement best management practices (“BMPs”) and a Stormwater Pollution
18 Prevention Plan (“SWPPP”), and apply all known and reasonable methods of prevention,
19 control, and treatment (“AKART”) to discharges. The specific terms and conditions of the
20 Permits are described in detail in the Notice Letter and incorporated by reference herein. See
21 Exhibit 1.
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V. FACTS

15. Pursuant to Condition S2 of the Permits, Defendant filed with the WDOE an Application for General Permit to Discharge Stormwater Associated with Industrial Activity. WDOE granted Defendant coverage under the General Permit for Defendant's facility under Permit Number WAR002259. WDOE previously granted Defendant coverage under an earlier version of the General Permit for Defendant's facility under Permit Number SO3002259.

16. Defendant's facility is engaged in industrial activity and discharges stormwater and other pollutants to Lake Washington via combined stormwater drains and/or other conveyances.

17. Discharges from Defendant's facility contribute to the polluted conditions of the waters of the State, including to Lake Washington, which is included on the 303(d) list of impaired waters for fecal coliform. Discharges from Defendant's facility contribute to the ecological impacts that result from the polluted state of these waters and to Plaintiff's and their members' injuries resulting therefrom.

18. The vicinity of the facility and the receiving waters are used by the citizens of Washington and visitors, as well as at least one of Plaintiff's members, for recreational activities, including boating, biking, fishing, nature watching and sightseeing. Plaintiff's member(s) also derive(s) aesthetic benefits from the receiving waters. Plaintiff's and its members' enjoyment of these activities and waters is diminished by the polluted state of the receiving waters and by Defendant's contributions to such polluted state.

19. Defendant has violated the Permits and Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, by discharging pollutants in violation of an NPDES Permit. Defendant's violations of the Permits and the CWA are set forth in full in sections II through VII

of the Notice Letter, attached hereto as Exhibit 1. In particular and among the other violations described in the Notice Letter, Defendant has failed to monitor each distinct outfall at the facility, implement best management practices to control stormwater quality and failed to timely complete Level One, Level Two and Level Three Corrective Actions as required by the Permits.

20. Defendant has violated the Permits and Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, by discharging pollutants not in compliance with an NPDES Permit. Defendant has discharged stormwater containing levels of pollutants that exceed the benchmark values established in the Permits, as specified in Table 1 below. Defendant's stormwater discharges are causing or contributing to violations of water quality standards and therefore violate the Permits. Defendant's water quality standard violations are set forth in sections II of the Notice Letter attached hereto as Exhibit 1 and are incorporated herein by this reference. In addition to water quality standard violations, and among the other violations described in the Notice Letter, Defendant has violated the Permits by failing to monitor discharges, to timely implement BMPs to control stormwater quality, to timely complete adaptive management responses required by the Permits, to conduct regular required inspections, and to timely submit complete and accurate reports.

21. Defendant has discharged stormwater containing levels of pollutants that exceed the benchmark values established by the Permits, including on the days on which Defendants collected samples with the results identified in bold in Table 1 below:

**TABLE 1: DISCHARGE MONITORING REPORT DATA FOR
OVERLAKE OIL, INC. (Benchmark exceedances in bold)**

Quarter in which sample collected	Turbidity (NTU) (Benchmark 25 NTU)	Zinc (µg/L) (Benchmark 117 µg/L)	Copper (µg/L) (Benchmark 14 µg/L)	Oil Sheen Present (Yes/No) (Benchmark "No Visible Sheen")	Fecal Limit
1Q 2010	44	57	15	no	2
2Q 2010	23.2	257	11.9	no	90
3Q 2010	17.8	132	13.5	no	23
4Q 2010	19.3	232	14	no	11
1Q 2011	68	373	31.2	no	<2
2Q 2011					
3Q 2011	21	239	19.3	no	300
4Q 2011	34.4	84.6	4.8	no	900
1Q 2012	38	907	9.5	no	35
2Q 2012	52	486	3.65	no	0
3Q 2012					
4Q 2012	38	1160	28.1	no	1100
1Q 2013					
2Q 2013	12	643	5.6	no	No data
3Q 2013					
4Q 2013	17	938	13.2	no	No data
1Q 2014	19	545	3.19	no	No data
2Q 2014					
3Q 2014					
4Q 2014	12	1410	15.5	no	No data
1Q 2015	19.5 (26 & 13)	443 (733 & 153)	2.54	no	No data

22. The stormwater samples identified in Table 1 reflect the stormwater monitoring results that Defendant has submitted to the WDOE are representative of and accurately characterize the quality of stormwater discharges generated by the facility during the associated calendar quarter.

23. Defendant's exceedances of the benchmark values indicate that Defendant failed to apply AKART to its discharges and/or is failing to implement an adequate SWPPP and BMPs. Upon information and belief, Defendant violated the Permits by not developing, modifying, and/or implementing BMPs and a SWPPP in accordance with the requirements of the Permits, by not applying AKART to discharges from the facility in the timeframe required by the Permits.

1 These requirements and Defendant's violations thereof are described in detail in sections II and
2 III of the Notice Letter.

3 24. Although Defendant has completed an updated SWPPP since receiving Plaintiff's
4 Notice Letter, Defendant's updated SWPPP fails to meet a number of the minimum requirements
5 set forth in Condition S3.B.4.b.i of the Permits and referenced in section III of the Notice Letter.
6 Defendant's SWPPP fails to include a Spill Prevention and Emergency Cleanup Plan as required
7 by Condition S3.B.4.b.i.4. Defendant's SWPPP also fails to: identify the facility personnel who
8 will inspect the designated equipment and facility areas; contain a visual inspection report or
9 check list that includes items required by Condition S7.C; provide tracking or follow-up
10 procedure to ensure that a report is prepared and any appropriate action taken in response to
11 visual inspection; include a certification of compliance for each inspection; and include all
12 inspection reports completed by the permittee as required by Condition S3.B.4.b.i.6.

15 25. Defendant has violated the monitoring requirements in the Permits. Defendant
16 has failed to collect stormwater samples and/or submit discharge monitoring reports during all
17 quarters as required by the Permits.

19 26. Defendant failed to collect stormwater samples and/or to submit DMRs for failing
20 to collect stormwater samples at any of its discharge points during the second quarter of 2011,
21 the third quarter of 2012, the first and third quarters of 2013, and the second and third quarters of
22 2014. The monitoring requirements and violations are described in section IV of the Notice
23 Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference.

25 27. Defendant failed to analyze for certain parameters during the following
26 monitoring periods from Outfall 1, as indicated: fecal coliform during the second quarter of
27 2013.

1 28. Defendant failed to submit a DMR within the time prescribed in the Permits for
2 the third quarter of 2013 and the first, second and third quarters of 2014.

3 29. Defendant has further failed to conduct the requisite visual monitoring and
4 inspections, failed to prepare and maintain the requisite inspection reports or checklists, and
5 failed to make the requisite certifications and summaries.
6

7 30. Defendant did not conduct and/or complete the corrective action responses as
8 required by the Permits. These requirements of the Permits and Defendant's violations thereof
9 are described in section V of the Notice Letter, attached hereto as Exhibit 1, and are incorporated
10 herein by this reference. Condition S8.B of the Permits require a permittee to undertake a Level 1
11 corrective action whenever it exceeds a benchmark value identified in Condition S5. A Level 1
12 corrective action comprises review of the SWPPP to ensure permit compliance, revisions to the
13 SWPPP to include additional operational source control BMPs with the goal of achieving the
14 applicable benchmark values in future discharges, signature and certification of the revised
15 SWPPP, summary of the Level 1 corrective action in the annual report, and full implementation
16 of the revised SWPPP as soon as possible, but no later than the DMR due date for the quarter the
17 benchmark was exceeded. Condition S8.A of the 2015 Permit requires that Defendant
18 implement any Level 1 corrective action required by the 2010 Permit.
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21 31. Defendant triggered Level 1 corrective action requirements for each benchmark
22 exceedance identified in Table 1 above. Defendant violated the requirements of the Permits
23 described above by failing to conduct Level 1 corrective actions in accordance with Permit
24 conditions, including the required review, revision, and certification of the SWPPP, the required
25 implementation of additional BMPs, and the required summarization in the annual report, each
26 time during the last five (5) years and sixty (60) days, that its quarterly stormwater sampling
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1 results were greater than a benchmark or outside the benchmark range for pH, including the
2 benchmark excursions listed in Table 1 above.

3 32. Condition S8.C of the Permits require a permittee to undertake a Level 2
4 corrective action whenever it exceeds a benchmark value for any two quarters during a calendar
5 year. A Level 2 corrective action comprises review of the SWPPP to ensure permit compliance,
6 revision of the SWPPP to include additional structural source control BMPs with the goal of
7 achieving the benchmark in future discharges, signature and certification of the revised SWPPP
8 in accordance with Condition S3 of the Permits, summary of the Level 2 corrective action
9 (planned or taken) in the annual report, and full implementation of the revised SWPPP by August
10 31st of the following year, including installation of necessary structural source control BMPs.
11 Condition S8.A of the 2015 Permit requires that Defendant implement any Level 1 corrective
12 action required by the 2010 Permit.
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14

15 33. Defendant triggered multiple Level 2 corrective action requirements for multiple
16 pollutant parameters as indicated by the benchmark exceedances in Table 1 above. Defendant
17 violated the requirements of the Permits described above by failing to conduct a Level 2
18 corrective action in accordance with permit conditions, including the required review, revision
19 and certification of the SWPPP, the required implementation of additional BMPs to ensure that
20 all points of discharge from the facility meet benchmarks, including additional structural source
21 control BMPs, and the required summarization in the annual report each time Defendant's
22 stormwater sampling results triggered the requirements of a Level 2 corrective action under the
23 provisions of the Permits. These violations include, but are not limited to, Defendant's failure to
24 fulfill these obligations for turbidity, zinc, and copper triggered by its stormwater sampling
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1 during the calendar year of 2011, and for zinc triggered by its stormwater sampling during the
2 calendar years of 2013 and 2014.

3 34. Condition S8.D of the Permits requires a permittee to undertake a Level 3
4 corrective action whenever it exceeds a benchmark value for any three quarters during a calendar
5 year. This is the most comprehensive adaptive management provision under the Permits. A
6 Level 3 corrective action under the 2010 Permit comprises review of the SWPPP to ensure
7 permit compliance, revisions to the SWPPP to include additional treatment BMPs with the goal
8 of achieving benchmarks in future discharges and additional operational and/or structural source
9 control BMPs if necessary for proper function and maintenance of treatment BMPs, signature
10 and certification of the revised SWPPP, and a summary of the Level 3 corrective action in the
11 annual report that describes how it was or will be determined whether existing treatment BMPs
12 will be modified/enhanced or new/additional treatment BMPs will be installed. A licensed
13 professional engineer, geologist, hydrogeologist, or certified professional in storm water quality
14 must design and stamp the portion of the SWPPP that addresses stormwater treatment structures
15 or processes. Before installing BMPs that require the site-specific design or sizing of structures,
16 equipment, or processes to collect, convey, treat, reclaim, or dispose of industrial stormwater, the
17 permittee must submit an engineering report, plans, and specifications, and an operations and
18 maintenance manual to WDOE for review. The engineering report must be submitted no later
19 than the May 15th prior to the Level 3 corrective action deadline. The plans and specifications
20 and the operations and maintenance manual must be submitted to WDOE at least thirty (30) days
21 before construction/installation. The revised SWPPP, including additional treatment BMPs,
22 must be fully implemented as soon as possible and no later than September 30th of the year
23 following that in which the Level 3 corrective action was triggered. Condition S8.A of the 2015
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1 Permit requests that Defendant implement any Level 3 corrective action required by the 2010
2 Permit.

3 35. As indicated in Table 1 above, Defendant has triggered the Level 3 corrective action
4 requirements of the Permits. Defendant has violated these requirements by failing to conduct a Level 3
5 corrective action in accordance with permit conditions, including the required review, revision and
6 certification of the SWPPP, including the requirement to have a specified professional design and stamp
7 the portion of the SWPPP pertaining to treatment, the required implementation of additional BMPs,
8 including additional treatment BMPs to ensure that all points of discharge from the facility meet
9 benchmarks (not just the sampled point of discharge), the required submission of an engineering report,
10 plans, specifications, and an operations and maintenance plan, and the required summarization in the
11 annual report each time stormwater monitoring results for the facility have triggered the requirements of
12 a Level 3 corrective action under the provisions of the Permits. Defendant failed to timely fulfill these
13 obligations for zinc triggered by its stormwater sampling during the calendar year of 2010 and for
14 turbidity and zinc triggered by its stormwater sampling during the calendar year of 2012.

15 36. Condition S9.B of the Permits requires Defendant to submit an accurate and
16 complete annual report to WDOE no later than May 15th of each year that includes specific
17 information. Defendant has violated these requirements. For example, Defendant submitted
18 annual reports that did not include all the required elements. Defendant violated this condition
19 by failing to include all of the required information in the annual reports it submitted for years
20 2010, 2011, 2012, and 2013. These reporting requirements and violations are described in
21 section VI of the Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this
22 reference.
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1 37. Upon information and belief, Defendant has failed to comply with recording and
2 record keeping requirements of the Permits. These requirements and Defendant's violations
3 thereof are described in section VII of the Notice Letter, attached hereto as Exhibit 1, and are
4 incorporated herein by this reference. The Permits require the retention of the records identified
5 for a minimum of five (5) years.

6
7 38. A significant penalty should be imposed against Defendant pursuant to the
8 penalty factors set forth in 33 U.S.C. § 1319(d).

9 39. Defendant's violations of the CWA degrade the environment and the water
10 quality of the receiving water bodies.

11
12 40. Defendant's violations were avoidable had Defendant been diligent in overseeing
13 facility operations and maintenance.

14 41. Defendant has benefited economically as a consequence of its violations and its
15 failure to timely implement improvements at the facility.

16
17 **VI. CAUSE OF ACTION**

18 42. The preceding paragraphs are incorporated herein.

19 43. Defendant's violations of its NPDES permit described herein and in the Notice
20 Letter constitute violations of sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311
21 and 1342, and violations of "effluent standard(s) or limitation(s)" as defined by section 505, 33
22 U.S.C. § 1365.

23
24 44. On information and belief, violations committed by Defendant are ongoing or are
25 reasonably likely to continue to occur. Any and all additional violations of the Permits and the
26 CWA which occur after those described in Plaintiff's Notice Letter but before a final decision in
27 this action should be considered continuing violations subject to this Complaint.
28

1 45. Without the imposition of appropriate civil penalties and the issuance of an
2 injunction, Defendant is likely to continue to violate the General Permit and the CWA to the
3 further injury of the Plaintiff, its member(s) and others.

4 46. A copy of this Complaint was served upon the Attorney General of the United
5 States and the Administrator of the USEPA as required by 33 U.S.C. § 1365(c)(3).
6

7 **VII. RELIEF REQUESTED**

8 Wherefore, Plaintiff respectfully requests that this Court grant the following relief:

9 A. Issue a declaratory judgment that Defendant has violated and continues to be in
10 violation of the Permits and Sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311
11 and 1342;

12 B. Enjoin Defendant from operating its facility in a manner that results in further
13 violations of the Permits or the Clean Water Act;
14

15 C. Order Defendant to immediately implement a Storm Water Pollution Prevention
16 Plan that is in compliance with the Permits, and to provide Plaintiff with a copy of this Plan;
17

18 D. Order Defendant to allow Plaintiff to participate in the development and
19 implementation of Defendant's Storm Water Pollution Prevention Plan;

20 E. Order Defendant to provide Plaintiff, for a period beginning on the date of the
21 Court's Order and running for one year after Defendant achieves compliance with all of the
22 conditions of the Permits, with copies of all reports and other documents which Defendant
23 submits to the USEPA or to the WDOE regarding Defendant's coverage under the Permits at the
24 time it is submitted to these authorities;
25

26 F. Order Defendant to take specific actions to remediate the environmental harm
27 caused by its violations;
28

1 G. Order Defendant to pay civil penalties of \$37,500.00 per day of violation for each
2 violation committed by Defendant pursuant to Sections 309(d) and 505(a) of the CWA, 33
3 U.S.C. §§ 1319(d) and 1365(a), and 40 C.F.R. § 19;

4 H. Award Plaintiff their litigation expenses, including reasonable attorneys' and
5 expert witness fees, as authorized by Section 505(d) of the CWA, 33 U.S.C. § 1365(d); and
6

7 I. Award such other relief as this Court deems appropriate.

8
9 RESPECTFULLY SUBMITTED this 13th day of May, 2015.

10 SMITH & LOWNEY, PLLC

11
12 By: s/Meredith Crafton
Meredith Crafton, WSBA #46558

13 By: s/Richard Smith
14 Richard Smith, WSBA # 21788
Attorneys for Plaintiff
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Exhibit 1

SMITH & LOWNEY, P.L.L.C.

2317 EAST JOHN STREET
SEATTLE, WASHINGTON 98112
(206) 860-2883, Fax (206) 860-4187

March 11, 2015

Via Certified Mail - Return Receipt Requested

Managing Agent
Overlake Oil, Inc.
1005 8th Street
Kirkland, WA 98033

Via Certified Mail - Return Receipt Requested

Managing Agent
Overlake Oil, Inc.
PO Box 506
Kirkland, WA 98083-0506

Via Certified Mail - Return Receipt Requested

Jimi Jessen, Registered Agent
1021 8th St.
Kirkland, WA 98033

Re: **NOTICE OF INTENT TO SUE UNDER THE CLEAN WATER ACT AND
REQUEST FOR COPY OF STORMWATER POLLUTION PREVENTION
PLAN**

Dear Managing Agent:

This letter is submitted on behalf of Waste Action Project, P.O. Box 4832, Seattle, WA 98194, (206) 849-5927. Any response or correspondence related to this matter should be directed to Smith & Lowney, PLLC at the letterhead address. This letter is to provide you with sixty days notice of Waste Action Project's intent to file a citizen suit against Overlake Oil, Inc. ("Overlake Oil") under section 505 of the Clean Water Act ("CWA"), 33 USC § 1365, for the violations described below. This letter is also a request for a copy of the complete and current stormwater pollution prevention plan ("SWPPP") required by Overlake Oil's National Pollution Discharge Elimination System ("NPDES") permit.

Overlake Oil was granted coverage under the Washington Industrial Stormwater General Permit issued by the Washington Department of Ecology ("Ecology") on October 21, 2009, effective January 1, 2010, modified May 16, 2012, effective July 1, 2012, through January 1, 2015, under NPDES Permit No. WAR002259 (the "2010 Permit"). Overlake Oil was granted coverage under the current iteration of the Washington Industrial Stormwater General Permit issued by Ecology on December 3, 2014, effective January 2, 2015 and set to expire on December 31, 2019 (the "2015 Permit") and maintains the same permit number WAR002259.

Overlake Oil has violated and continues to violate the terms and conditions of the 2010 Permit and the 2015 Permit (collectively, the "Permits") with respect to operations of, and discharges of stormwater and pollutants from, its facility located at or near 1005 8th Street, Kirkland, WA 98033 (the "facility"). The facility subject to this notice includes any contiguous or adjacent properties owned or operated by Overlake Oil.

I. WASTE ACTION PROJECT'S COMMITMENT TO PROTECTING AND PRESERVING THE ENVIRONMENT OF WASHINGTON STATE, ESPECIALLY THE QUALITY OF ITS WATERS.

Waste Action Project is a non-profit, public interest, environmental advocacy organization. Waste Action Project intends to sue on behalf of itself and its member(s). Waste Action Project has members who live, work, fish, and recreate around Lake Washington and are affected by the violations described herein.

This notice of intent to sue Overlake Oil is part of Waste Action Project's effort to improve water quality in Washington for purposes including swimming, habitat quality, and subsistence, recreational, and commercial fishing. Waste Action Project has serious concerns about the impacts of Overlake Oil's operations and industrial stormwater discharges reaching Lake Washington. As discussed below, Overlake Oil has consistently violated permit conditions and exceeded the 2010 Permit's benchmark pollutant discharge levels. Overlake Oil's operations and stormwater discharges degrade the lake's water quality and place the health and well-being of all who use the lake at risk.

II. COMPLIANCE WITH STANDARDS.

A. Violations of Water Quality Standards.

Condition S10.A of the Permits prohibits discharges that cause or contribute to violations of water quality standards. Water quality standards are the foundation of the CWA and Washington's efforts to protect clean water. In particular, water quality standards represent the U.S. Environmental Protection Agency ("EPA") and Ecology's determination, based on scientific studies, of the thresholds at which pollution starts to cause significant adverse effects on fish or other beneficial uses. For each water body in Washington, Ecology designates the "beneficial uses" that must be protected through the adoption of water quality standards.

A discharger must comply with both narrative and numeric water quality standards. WAC 173-201A-010; WAC 173-201A-510 ("No waste discharge permit can be issued that causes or contributes to a violation of water quality criteria, except as provided for in this chapter."). Narrative water quality standards provide legal mandates that supplement the numeric standards. Furthermore, narrative water quality standards apply with equal force, even when Ecology has established numeric water quality standards. Specifically, Condition S10.A of the Permits requires that Overlake Oil's discharges not cause or contribute to violations of Washington State's water quality standards.

Overlake Oil discharges to Lake Washington via combined stormwater drains and/or other conveyances. Lake Washington does not meet the water quality standards for fecal coliform and is included in the state's "303(d) list" of impaired water bodies. Overlake Oil discharges stormwater that contains elevated levels of fecal coliform, turbidity, zinc and copper as indicated in the table of benchmark exceedances below. Further, the data provided in the table below represent samples collected from only one of Overlake Oil's discharge points. Discharges of stormwater from the facility cause and/or contribute to violations of water quality standards for turbidity, zinc, copper, and fecal coliform in Lake Washington and have occurred each and every day during the last five years on which there was 0.1 inch or more of precipitation, and continue to occur. These water quality standards include those set forth in WAC 173-201A-240, and -260(2). Precipitation data from that time period are appended to this notice of intent to sue and identifies these days.

TABLE 1: DISCHARGE MONITORING REPORT DATA FOR OVERLAKE OIL, INC.					
Quarter in which sample collected	Turbidity (NTU) (Benchmark 25 NTU)	Zinc (µg/L) (Benchmark 117 µg/L)	Copper (µg/L) (Benchmark 14 µg/L)	Oil Sheen Present (Yes/No) (Benchmark "No Visible Sheen")	Fecal Limit
1Q 2010	44	57	15	no	2
2Q 2010	23.2	257	11.9	no	90
3Q 2010	17.8	132	13.5	no	23
4Q 2010	19.3	232	14	no	11
1Q 2011	68	373	31.2	no	<2
2Q 2011					
3Q 2011	21	239	19.3	no	300
4Q 2011	34.4	84.6	4.8	no	900
1Q 2012	38	907	9.5	no	35
2Q 2012	52	486	3.65	no	0
3Q 2012					
4Q 2012	38	1160	28.1	no	1100
1Q 2013					
2Q 2013	12	643	5.6	no	No data
3Q 2013					
4Q 2013	17	938	13.2	no	No data
1Q 2014	19	545	3.19	no	No data
2Q 2014					
3Q 2014					
4Q 2014	12	1410	15.5	No	No data

Note: Table 1 lists benchmark levels established in the 2010 Permit. Values in **bold** indicate benchmark exceedances.

B. Compliance with Standards.

Condition S10.C of the Permits requires Overlake Oil to apply all known and reasonable methods of prevention, control and treatment ("AKART") to all discharges, including preparing and implementing an adequate SWPPP and best management practices ("BMPs"). Overlake Oil has violated and continues to violate these conditions by failing to apply AKART to its discharges by, among other things, failing to implement an adequate SWPPP and BMPs as evidenced by the elevated levels of pollutants in its discharge indicated in the table above and as described below.

Condition S1.A of the Permits require that all discharges and activities be consistent with the terms and conditions of the permit. Overlake Oil has violated this condition by discharging and acting inconsistent with the conditions of the Permits as described in this Notice of Intent to Sue.

III. STORMWATER POLLUTION PREVENTION PLAN VIOLATIONS.

Waste Action Project did not receive a SWPPP in response to its request to Ecology for public records relating to Overlake Oil. However, the extensive violations of the Permits documented in the publically available records, including the numerous violations of the SWPPP requirements described in an inspection report, indicate that Overlake Oil is not fully implementing a SWPPP that includes adequate BMPs and that otherwise includes all of the required SWPPP components. Waste Action Project therefore provides notice, based upon information and belief, that Overlake Oil has not developed and implemented a SWPPP that complies with the requirements of the Permits as described below.

Condition S3.A.1 of the Permits requires Overlake Oil to develop and implement a SWPPP as specified in these permits. Condition S3.A.2 of the Permits requires the SWPPP to specify BMPs necessary to provide AKART and ensure that discharges do not cause or contribute to violations of water quality standards. On information and belief, Overlake Oil has violated these requirements of the Permits each and every day during the last five years, and continues to violate them as it has failed to prepare and/or implement a SWPPP that includes AKART BMPs and BMPs necessary to meet state water quality standards.

Condition S3.A of the Permits requires Overlake Oil to have and fully implement a SWPPP that is consistent with permit requirements and update the SWPPP as necessary to maintain compliance with permit conditions. On information and belief, Overlake Oil has violated these requirements of the Permits each and every day during the last five years and continues to violate them because it does not have a SWPPP that is consistent with permit requirements, fully implemented, and updated as necessary.

The SWPPP fails to satisfy the requirements of Condition S3 of the Permits because it does not adequately describe BMPs. Condition S3.B.4 of the Permits requires that the SWPPP include a description of the BMPs that are necessary for the facility to eliminate or reduce the potential to contaminate stormwater. Condition S3.A.3 of the Permits requires that the SWPPP include BMPs consistent with approved stormwater technical manuals or

document how stormwater BMPs included in the SWPPP are demonstratively equivalent to the practices contained in the approved stormwater technical manuals, including the proper selection, implementation, and maintenance of all applicable and appropriate BMPs. Overlake Oil's SWPPP does not comply with these requirements because it does not adequately describe BMPs, does not include BMPs consistent with approved stormwater technical manuals, and does not include BMPs that are demonstratively equivalent to such BMPs with documentation of BMP adequacy.

Overlake Oil's SWPPP fails to satisfy the requirements of Condition S3.B.2 of the Permits because it fails to include a facility assessment. The SWPPP fails to include an adequate facility assessment because it does not describe the industrial activities conducted at the site, the general layout of the facility including buildings and storage of raw materials, the flow of goods and materials through the facility, the regular business hours, and the seasonal variations in business hours or in industrial activities.

Overlake Oil's SWPPP fails to satisfy the requirements of Condition S3.B.1 of the Permits because it does not include a site map that identifies significant features, the stormwater drainage and discharge structures, the stormwater drainage areas for each stormwater discharge point off-site, a unique identifying number for each discharge point, each sampling location with a unique identifying number, paved areas and buildings, areas of pollutant contact associated with specific industrial activities, conditionally approved non-stormwater discharges, surface water locations, areas of existing and potential soil erosion, vehicle maintenance areas, and lands and waters adjacent to the site that may be helpful in identifying discharge points or drainage routes.

Overlake Oil's SWPPP fails to comply with Condition S3.B.2.b of the Permits because it does not include an inventory of industrial activities that identifies all areas associated with industrial activities that have been or may potentially be sources of pollutants. The SWPPP does not identify all areas associated with loading and unloading of dry bulk materials or liquids, outdoor storage of materials or products, outdoor manufacturing and processing, on-site dust or particulate generating processes, on-site waste treatment, storage, or disposal, vehicle and equipment fueling, maintenance and/or cleaning, roofs or other surfaces exposed to air emissions from a manufacturing building or a process area, and roofs or other surfaces composed of materials that may be mobilized by stormwater as required by these permit conditions.

Overlake Oil's SWPPP does not comply with Condition S3.B.2.c of the Permits because it does not include an adequate inventory of materials. The SWPPP does not include an inventory of materials that lists the types of materials handled at the site that potentially may be exposed to precipitation or runoff and that could result in stormwater pollution, a short narrative for each of the materials describing the potential for the pollutants to be present in stormwater discharge that is updated when data becomes available to verify the presence or absence of the pollutants, a narrative description of any potential sources of pollutants from past activities, materials and spills that were previously handled, treated, stored, or disposed of in a manner to allow ongoing exposure to stormwater as required. The SWPPP does not include the method and location of on-site storage or disposal of such

materials and a list of significant spills and significant leaks of toxic or hazardous pollutants as these permit conditions require.

Overlake Oil's SWPPP does not comply with Condition S3.B.3 of the Permits because it does not identify specific individuals by name or title whose responsibilities include SWPPP development, implementation, maintenance, and modification.

Condition S3.B.4 of the Permits requires that permittees include in their SWPPPs and implement certain mandatory BMPs unless site conditions render the BMPs unnecessary, infeasible, or an alternative and equally effective BMPs are provided. Overlake Oil is in violation of this requirement because it has failed to include in its SWPPP and implement the mandatory BMPs of the Permits.

Overlake Oil's SWPPP does not comply with Condition S3.B.4.b.i of the Permits because it does not include adequate required operational source control BMPs in the following categories: good housekeeping (including definition of ongoing maintenance and cleanup of areas that may contribute pollutants to stormwater discharges, and a schedule/frequency for each housekeeping task); preventive maintenance (including BMPs to inspect and maintain stormwater drainage, source controls, treatment systems, and plant equipment and systems, and the schedule/frequency for each task); spill prevention and emergency cleanup plan (including BMPs to prevent spills that can contaminate stormwater, for material handling procedures, storage requirements, cleanup equipment and procedures, and spill logs); employee training (including an overview of what is in the SWPPP, how employees make a difference in complying with the SWPPP, spill response procedures, good housekeeping, maintenance requirements, material management practices, how training will be conducted, the frequency/schedule of training, and a log of the dates on which specific employees received training); inspections and recordkeeping (including documentation of procedures to ensure compliance with permit requirements for inspections and recordkeeping, including identification of personnel who conduct inspections, provision of a tracking or follow-up procedure to ensure that a report is prepared and appropriate action taken in response to visual monitoring, definition of how Overlake Oil will comply with signature and record retention requirements, and certification of compliance with the SWPPP and Permit).

Overlake Oil's SWPPP does not comply with Condition S3.B.4.b.i.7 of the Permits because it does not include measures to identify and eliminate the discharge of process wastewater, domestic wastewater, noncontact cooling water, and other illicit discharges to stormwater sewers, or to surface waters and ground waters of the state.

Overlake Oil's SWPPP does not comply with Condition S3.B.4.b.ii of the Permits because it does not include required structural source control BMPs to minimize the exposure of manufacturing, processing, and material storage areas to rain, snow, snowmelt, and runoff. Overlake Oil's SWPPP does not comply with Condition S3.B.4.b.iii of the Permits because it does not include treatment BMPs as required.

Overlake Oil's SWPPP fails to comply with Condition S3.B.4.b.v of the Permits because it does not include BMPs to prevent the erosion of soils or other earthen materials and prevent off-site sedimentation and violations of water quality standards.

Overlake Oil's SWPPP fails to satisfy the requirements of Condition S3.B.5 of the Permits because it fails to include an adequate stormwater sampling plan as required. The SWPPP does not include a sampling plan that identifies points of discharge to surface waters, storm sewers, or discrete ground water infiltration locations, documents why each discharge point is not sampled, identifies each sampling point by its unique identifying number, identifies staff responsible for conducting stormwater sampling, specifies procedures for sampling collection and handling, specifies procedures for sending samples to the a laboratory, identifies parameters for analysis, holding times and preservatives, laboratory quantization levels, and analytical methods, and that specifies the procedure for submitting the results to Ecology.

IV. MONITORING AND REPORTING VIOLATIONS.

A. Failure to Collect Quarterly Samples.

Condition S4.B of the Permits requires Overlake Oil to collect a sample of its stormwater discharge once during every calendar quarter. Conditions S3.B.5.b and S4.B.2.c of the Permits require Overlake Oil to collect stormwater samples at each distinct point of discharge offsite except for substantially identical outfalls, in which case only one of the substantially identical outfalls must be sampled. These conditions set forth sample collection criteria, but require the collection of a sample even if the criteria cannot be met.

Overlake Oil violated these requirements by failing to collect stormwater samples at any of its discharge points during the second quarter of 2011, the third quarter of 2012, the first and third quarters of 2013, and the second and third quarters of 2014.

Overlake Oil has also violated and continues to violate these conditions because it does not sample each distinct point of discharge off-site each quarter. These violations have occurred and continue to occur each and every quarter during the last five years that Overlake Oil was and is required to sample its stormwater discharges, including the quarters in which it collected stormwater discharge samples from some, but not all, points of discharge. These violations will continue until Overlake Oil commences monitoring all distinct points of discharge.

B. Failure to Analyze Quarterly Samples.

Conditions S5.A.1 and S6.C of the Permits require Overlake Oil to analyze stormwater samples collected quarterly for turbidity, pH, total zinc, total copper, oil sheen, and fecal coliform.

Overlake Oil violated this condition by failing to analyze stormwater samples for any of the required parameters during the second quarter of 2011, the third quarter of 2012, the

first and third quarters of 2013, and the second and third quarters of 2014. Overlake Oil also violated these requirements by failing to analyze stormwater samples for fecal coliform during the second quarter of 2013.

C. Failure to Timely Submit Discharge Monitoring Reports.

Condition S9.A of the Permits require Overlake Oil to use DMR forms provided or approved by Ecology to summarize, report and submit monitoring data to Ecology. For each monitoring period (calendar quarter) a DMR must be completed and submitted to Ecology not later than 45 days after the end of the monitoring period. Overlake Oil has violated these conditions by failing to submit a DMR within the time prescribed for the third quarter of 2013 and the first, second and third quarters of 2014.

D. Failure to Comply with Visual Monitoring Requirements.

Condition S7.A of the Permits requires that monthly visual inspections be conducted at the facility by qualified personnel. Each inspection is to include observations made at stormwater sampling locations and areas where stormwater associated with industrial activity is discharged, observations for the presence of floating materials, visible oil sheen, discoloration, turbidity, odor, etc. in the stormwater discharges, observations for the presence of illicit discharges, a verification that the descriptions of potential pollutant sources required by the permit are accurate, a verification that the site map in the SWPPP reflects current conditions, and an assessment of all BMPs that have been implemented (noting the effectiveness of the BMPs inspected, the locations of BMPs that need maintenance, the reason maintenance is needed and a schedule for maintenance, and locations where additional or different BMPs are needed).

Condition S7.C of the Permits requires that Overlake Oil record the results of each inspection in an inspection report or checklist that documents the observations, verifications, and assessments required. The report/checklist must include the time and date of the inspection, the locations inspected, a statement that, in the judgment of the person conducting the inspection and the responsible corporate officer, the facility is either in compliance or out of compliance with the SWPPP and the Permits, a summary report and schedule of implementation of the remedial actions that Overlake Oil plans to take if the site inspection indicates that the facility is out of compliance, the name, title, signature and certification of the person conducting the facility inspection, and a certification and signature of the responsible corporate officer or a duly authorized representative.

Overlake Oil is in violation of these requirements of Condition S7 of the Permits because, during the last five years, it has failed to conduct each of the requisite visual monitoring and inspections, failed to prepare and maintain the requisite inspection reports or checklists, and failed to make the requisite certifications and summaries.

V. CORRECTIVE ACTION VIOLATIONS.

A. Violations of the Level One Requirements of the Permits.

Condition S8.B of the Permits requires Overlake Oil take specified actions, called a "Level One Corrective Action," each time quarterly stormwater sample results exceed a benchmark value or are outside the benchmark range for pH. Condition S8.A of the 2015 Permit requires that Overlake Oil implement any Level One Corrective Action required by the 2010 Permit.

As described by Condition S8.B of the Permits, a Level One Corrective Action requires Overlake Oil: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the Permits and contains the correct BMPs from the applicable Stormwater Management Manual; (2) make appropriate revisions to the SWPPP to include additional operational source control BMPs with the goal of achieving the applicable benchmark values in future discharges and sign and certify the revised SWPPP in accordance with Condition S3 of the Permits; and (3) summarize the Level One Corrective Action in the Annual Report required under Condition S9.B of the Permits. Condition S8.B.3 of the Permits requires that Overlake Oil implement the revised SWPPP as soon as possible, and no later than the DMR due date for the quarter the benchmark was exceeded.

Condition S5.A and Table 2 of the Permits establish the following applicable benchmarks: turbidity 25 NTU; pH 5 – 9 SU; no visible oil sheen; total copper 14 µg/L; and total zinc 117 µg/L.

Overlake Oil has violated the requirements of the Permits described above by failing to conduct a Level One Corrective Action in accordance with permit conditions, including the required review, revision, and certification of the SWPPP, the required implementation of additional BMPs, and the required summarization in the annual report each time during the last five years that quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH, including the benchmark excursions identified in Table 1 in Section II.A of this letter.

These benchmark excursions are based upon information currently available to Waste Action Project from Ecology's publicly available records. Waste Action Project provides notice of its intent to sue Overlake Oil for failing to comply with all of the Level One Corrective Action requirements described above by failing to conduct a Level One Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, the required implementation of additional BMPs, and the required summarization in the annual report each time during the last five years its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH, including the benchmark excursions listed in Table 1 above.

B. Violations of the Level Two Requirements of the Permits.

Condition S8.C of the Permits requires Overlake Oil take specified actions, called a "Level Two Corrective Action," each time quarterly stormwater sample results exceed an applicable benchmark value or are outside the benchmark range for pH for any two quarters during a calendar year. Condition S8.A of the 2015 Permit requires that Overlake Oil implement any Level Two Corrective Action required by the 2010 Permit.

As described by Condition S8.C of the Permits, a Level Two Corrective Action requires Overlake Oil: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the 2010 Permit; (2) make appropriate revisions to the SWPPP to include additional structural source control BMPs with the goal of achieving the applicable benchmark value(s) in future discharges and sign and certify the revised SWPPP in accordance with Condition S3 of the Permits; and (3) summarize the Level Two Corrective Action (planned or taken) in the Annual Report required under Condition S9.B of the Permits. Condition S8.C.4 of the Permits requires that Overlake Oil implement the revised SWPPP according to Condition S3 of the Permits and the applicable stormwater management manual as soon as possible, and no later than August 31st of the following year.

The Permits establishes the benchmarks applicable to Overlake Oil described in Section V.A of this notice of intent to sue letter.

Overlake Oil has violated the requirements of the Permits described above by failing to conduct a Level Two Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, the required implementation of additional BMPs to ensure that all points of discharge from the facility meet benchmarks (not just the sampled point of discharge), including additional structural source control BMPs, and the required summarization in the annual report each time during the last five years its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH for any two quarters during a calendar year. As indicated in Table 1 in Section II.A of this letter, these violations include, but are not limited to, Overlake Oil's failure to fulfill these obligations for turbidity, zinc, and copper triggered by its stormwater sampling during the calendar year of 2011, and for zinc triggered by its stormwater sampling during the calendar years of 2013 and 2014.

The benchmark excursions identified in Table 1 of this notice of intent to sue letter are based upon information currently available to Waste Action Project from Ecology's publicly available records. Waste Action Project provides notice of its intent to sue Overlake Oil for failing to comply with all of the Level Two Corrective Action requirements each and every time quarterly stormwater sample results exceeded an applicable benchmark value or were outside the benchmark range for pH for any two quarters during a calendar year, including any such excursions that are not reflected in Table 1 above, during the last five years.

C. Violations of the Level Three Requirements of the Permits.

Condition S8.D of the Permits requires Overlake Oil take specified actions, called a "Level Three Corrective Action," each time quarterly stormwater sample results exceed an applicable benchmark value or are outside the benchmark range for pH for any three quarters during a calendar year. Condition S8.A of the 2015 Permit requires that Overlake Oil implement any Level Three Corrective Action required by the 2010 Permit.

As described by Condition S8.D of the 2010 Permit, a Level Three Corrective Action requires that Overlake Oil: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the 2010 Permit; (2) make appropriate revisions to the SWPPP to include additional treatment BMPs with the goal of achieving the applicable benchmark value(s) in future discharges and additional operational and/or structural source control BMPs if necessary for proper function and maintenance of treatment BMPs, and sign and certify the revised SWPPP in accordance with Condition S3.A.6 of the 2010 Permit; and (3) summarize the Level Three Corrective Action (planned or taken) in the Annual Report required under Condition S9.B of the 2010 Permit, including information on how monitoring, assessment, or evaluation information was (or will be) used to determine whether existing treatment BMPs will be modified/enhanced, or if new/additional treatment BMPs will be installed. Condition S8.D.2.b of the 2010 Permit requires that a licensed professional engineer, geologist, hydrogeologist, or certified professional in storm water quality must design and stamp the portion of the SWPPP that addresses stormwater treatment structures or processes.

Condition S8.D.3 of the 2010 Permit requires that, before installing BMPs that require the site-specific design or sizing of structures, equipment, or processes to collect, convey, treat, reclaim, or dispose of industrial stormwater, Overlake Oil submit an engineering report, plans, and specifications, and an operations and maintenance manual to Ecology for review in accordance with chapter 173-204 of the Washington Administrative Code. The engineering report must be submitted no later than the May 15 prior to the Level Three Corrective Action Deadline. The plans and specifications and the operations and maintenance manual must be submitted to Ecology at least 30 days before construction/installation.

Condition S8.D.5 of the 2010 Permit requires that Overlake Oil fully implement the revised SWPPP according to condition S3 of the 2010 Permit and the applicable stormwater management manual as soon as possible, and no later than September 30th of the following year.

The Permits establish the benchmarks applicable to Overlake Oil described in Section V.A of this notice of intent to sue letter.

Overlake Oil has violated the requirements of the Permits described above by failing to conduct a Level Three Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, including the requirement to have a specified professional design and stamp the portion of the SWPPP pertaining to treatment, the required implementation of additional BMPs, including additional treatment BMPs to ensure that all points of discharge from the facility meet benchmarks (not just the

sampled point of discharge), the required submission of an engineering report, plans, specifications, and an operations and maintenance plan, and the required summarization in the annual report each time during the last five years its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH for any three quarters during a calendar year. As indicated in Table 1 in Section II.A of this letter, these violations include, but are not limited to, Overlake Oil's failure to fulfill these obligations for zinc triggered by its stormwater sampling during the calendar year of 2010 and for turbidity and zinc triggered by its stormwater sampling during the calendar year of 2012.

The benchmark excursions identified in Table 1 of this notice of intent to sue letter are based upon information currently available to Waste Action Project from Ecology's publicly available records. Waste Action Project provides notice of its intent to sue Overlake Oil for failing to comply with all of the Level Three Corrective Action requirements each and every time quarterly stormwater sample results exceeded an applicable benchmark value or were outside the benchmark range for pH for any three quarters during a calendar year, including any such excursions that are not reflected in Table 1 above, during the last five years.

VI. VIOLATIONS OF THE ANNUAL REPORT REQUIREMENTS.

Condition S9.B of the Permits requires Overlake Oil to submit an accurate and complete annual report to Ecology no later than May 15 of each year. The annual report must include corrective action documentation as required in Conditions S8.B through S8.D. If a corrective action is not yet completed at the time of submission of the annual report, Overlake Oil must describe the status of any outstanding corrective action. Specific information to be included in the annual report is identification of the conditions triggering the need for corrective action, description of the problem and identification of dates discovered, summary of any Level 1, 2, or 3 corrective actions completed during the previous calendar year, including the dates corrective actions completed, and description of the status of any Level 2 or 3 corrective actions triggered during the previous calendar year, including identification of the date Overlake Oil expects to complete corrective actions. Overlake Oil has violated this condition by failing to include all of the required information in the annual reports it submitted for years 2010, 2011, 2012, and 2013.

The annual report submitted by Overlake Oil for 2010 (submitted on May 16, 2011) does not include all of the required information. The report does not provide any of the required information for each of the Level One Corrective Actions triggered in 2010, including those for turbidity and copper. The annual report provides inadequate and incomplete information for the Level Three Corrective Action triggered for zinc in 2010, including the description of the conditions triggering the corrective action, the BMPs (including treatment) to be implemented as part of the Level Three Corrective Action, and the implementation schedule. The annual report does not include information on how monitoring, assessment, or evaluation information was (or will be) used to determine whether existing treatment BMPs will be modified/enhanced, or if new/additional treatment BMPs will be installed as required by Condition S8.D.4.

The annual report submitted by Overlake Oil for 2011 (submitted on May 9, 2012) does not include all of the required information. For example, the report does not describe the completion or status of the Level Three Corrective Action triggered for zinc in 2010 and required to be completed in 2011, or the information required by Condition S8.D.4 of the 2010 Permit for that Level Three Corrective Action. The annual report does not sufficiently describe the conditions triggering Level Two Corrective Actions for turbidity, zinc, and copper in 2011. The annual report incorrectly notes a Level Two corrective action for Zinc, when it continues to maintain Level Three status.

Overlake Oil's annual report submitted for 2012 does not include all of the required information. The annual report does not sufficiently describe the status of the Level Two Corrective Action triggered for turbidity in 2011 and fails to acknowledge or describe the status of the Level Two Correction Action triggered for copper in 2011. The annual report does not include information identifying the conditions triggering a Level Three Corrective Action for turbidity in 2012, describing the problems, or identifying the dates the problems were discovered. The report provides an inadequate and incomplete description of measures taken as part of the Level Three Corrective Action for zinc triggered in 2010 and 2012. The annual report does not include information on how monitoring, assessment, or evaluation information was (or will be) used to determine whether existing treatment BMPs will be modified/enhanced, or if new/additional treatment BMPs will be installed as required by Condition S8.D.4 of the 2010 Permit.

Overlake Oil's annual report submitted for 2013 does not include all of the required information. The report does not describe the completion or status of the ongoing Level Three Corrective Action triggered for zinc that was to be completed in 2012 but states corrective actions are expected to be completed in Fall 2014. The report also fails to acknowledge or describe the status of the Level Three Corrective Action triggered for turbidity in 2012 or the information required by Condition S8.D.4 of the 2010 Permit for that Level Three Corrective Action.

VII. VIOLATIONS OF THE RECORDKEEPING REQUIREMENTS.

A. Failure to Record Information.

Condition S4.B.3 of the Permits requires Overlake Oil to record and retain specified information for each stormwater sample taken, including the sample date and time, a notation describing if Overlake Oil collected the sample within the first 30 minutes of stormwater discharge event, an explanation of why Overlake Oil could not collect a sample within the first 30 minutes of a stormwater discharge event, the sample location, method of sampling and of preservation, and the individual performing the sampling. Upon information and belief, Overlake Oil is in violation of these conditions, as it has not recorded each of these specified items for each sample taken during the last five years.

B. Failure to Retain Records.

Condition S9.C of the Permits requires Overlake Oil to retain for a minimum of five years a copy of the Permits, a copy of Overlake Oil's coverage letter, records of all sampling information, inspection reports including required documentation, any other documentation of compliance with permit requirements, all equipment calibration records, all BMP maintenance records, all original recordings for continuous sampling instrumentation, copies of all laboratory results, copies of all required reports, and records of all data used to complete the application for the Permits. Upon information and belief, Overlake Oil is in violation of these conditions because it has failed to retain records of such information, reports, and other documentation during the last five years.

VIII. REQUEST FOR SWPPP.

Pursuant to Condition S9.F of the 2015 Permit, Waste Action Project hereby requests that Overlake Oil provide a copy of, or access to, its SWPPP complete with all incorporated plans, monitoring reports, checklists, and training and inspection logs. The copy of the SWPPP and any other communications about this request should be directed to the undersigned at the letterhead address.

Should Overlake Oil fail to provide the requested complete copy of, or access to, its SWPPP as required by Condition S9.F of the 2015 Permit, it will be in violation of that condition, which violation shall also be subject to this notice of intent to sue and any ensuing lawsuit.

IX. Party Giving Notice of Intent to Sue.

The full name, address, and telephone number of the party giving notice is:

Waste Action Project
P.O. Box 4832
Seattle, WA 98194
(206) 849-5927

X. Attorneys Representing Waste Action Project.

The attorneys representing Waste Action Project in this matter are:

Richard Smith
Smith & Lowney, PLLC
2317 E. John St.
Seattle, WA 98112
(206) 860-2124

Meredith Crafton
Smith & Lowney, PLLC
2317 E. John St.
Seattle, WA 98112
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XI. CONCLUSION.

The above-described violations reflect those indicated by the information currently available to Waste Action Project. These violations are ongoing. Waste Action Project intends to sue for all violations, including those yet to be uncovered and those committed after the date of this Notice of Intent to Sue.

Under Section 309(d) of the CWA, 33 USC § 1319(d), each of the above-described violations subjects the violator to a penalty of up to \$37,500 per day. In addition to civil penalties, Waste Action Project will seek injunctive relief to prevent further violations under Sections 505(a) and (d) of the CWA, 33 USC § 1365(a) and (d), and such other relief as is permitted by law. Also, Section 505(d) of the CWA, 33 USC § 1365(d), permits prevailing parties to recover costs, including attorney's fees.

Waste Action Project believes that this NOTICE OF INTENT TO SUE sufficiently states grounds for filing suit. Waste Action Project intends, at the close of the 60-day notice period, or shortly thereafter, to file a citizen suit against Overlake Oil Center, L.L.C. under Section 505(a) of the Clean Water Act.

Waste Action Project is willing to discuss effective remedies for the violations described in this letter and settlement terms during the 60-day notice period. If you wish to pursue such discussions in the absence of litigation, we suggest that you initiate those discussions within 10 days of receiving this notice so that a meeting can be arranged and so that negotiations may be completed promptly. We do not intend to delay the filing of a complaint if discussions are continuing when the notice period ends.

Very truly yours,

SMITH & LOWNEY, PLLC

By: Meredith A. Crafton
Meredith A. Crafton

cc: Gina McCarthy, Administrator, U.S. EPA
Dennis McLerran, Region 10 Administrator, U.S. EPA
Maia Bellon, Director, Washington Department of Ecology

Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
Precipitation Data Kirkland, WA (KBFI)			1/22/2010	0		2/17/2010	0	
Source: http://www.wunderground.com/			1/23/2010	0.01	Rain	2/18/2010	0	
			1/24/2010	0.35	Rain	2/19/2010	0	
			1/25/2010	0.12	Rain	2/20/2010	0	
2010 Precipitation Data			1/26/2010	0		2/21/2010	0	
January			1/27/2010	0	Fog	2/22/2010	0	
1/1/2010	0.39	Rain	1/28/2010	0		2/23/2010	0.14	Rain
1/2/2010	0.05	Rain	1/29/2010	0.02	Rain	2/24/2010	0.11	Rain
1/3/2010	0.02	Rain	1/30/2010	0.2	Rain	2/25/2010	0.06	Rain
1/4/2010	0.82	Rain	1/31/2010	0.06	Rain	2/26/2010	0.49	Rain
1/5/2010	0.09	Rain	February			2/27/2010	0.09	Rain
1/6/2010	0		2/1/2010	0.06	Fog-Rain	2/28/2010	0	
1/7/2010	0.03	Rain	2/2/2010	0.02	Rain	March		
1/8/2010	0.91	Rain	2/3/2010	0.27	Rain	3/1/2010	0	
1/9/2010	0.07	Rain	2/4/2010	0.08	Rain	3/2/2010	0.06	Rain
1/10/2010	0.1	Rain	2/5/2010	0.08	Rain	3/3/2010	0	
1/11/2010	1.03	Rain	2/6/2010	0.24	Rain	3/4/2010	0	Rain
1/12/2010	0.63	Rain	2/7/2010	0.09	Rain	3/5/2010	0	
1/13/2010	0.39	Rain	2/8/2010	0	Rain	3/6/2010	0	
1/14/2010	0.31	Rain	2/9/2010	0	Fog	3/7/2010	0.05	Rain
1/15/2010	0.52	Rain	2/10/2010	0.08	Fog-Rain	3/8/2010	0.04	Rain
1/16/2010	0.02	Fog-Rain	2/11/2010	0.23	Rain	3/9/2010	0	Rain
1/17/2010	0.12	Rain	2/12/2010	0.43	Rain	3/10/2010	0.03	Rain
1/18/2010	0	Rain	2/13/2010	0.23	Rain	3/11/2010	0.49	Rain
1/19/2010	0.02	Rain	2/14/2010	0.66	Rain	3/12/2010	0.57	Rain
1/20/2010	0.01		2/15/2010	0.04	Fog-Rain	3/13/2010	0.01	Rain
1/21/2010	0		2/16/2010	0.19	Rain	3/14/2010	0	Rain
Precipitation Data			Kirkland, WA (KBFI)			http://www.wunderground.com/		

Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
3/15/2010	0.01	Rain	4/10/2010	0		5/6/2010	0	
3/16/2010	0.06	Rain	4/11/2010	0		5/7/2010	0	
3/17/2010	0.01		4/12/2010	0		5/8/2010	0	
3/18/2010	0		4/13/2010	0.08	Rain	5/9/2010	0	
3/19/2010	0		4/14/2010	0		5/10/2010	0.16	Rain
3/20/2010	0		4/15/2010	0	Rain	5/11/2010	0.01	
3/21/2010	0.03	Rain	4/16/2010	0.01	Rain	5/12/2010	0	
3/22/2010	0	Rain	4/17/2010	0.18	Rain	5/13/2010	0	
3/23/2010	0		4/18/2010	0.01		5/14/2010	0	
3/24/2010	0		4/19/2010	0		5/15/2010	0	
3/25/2010	0.43	Rain	4/20/2010	0.01	Rain	5/16/2010	0	Rain
3/26/2010	0		4/21/2010	0.65	Rain	5/17/2010	0.01	
3/27/2010	0		4/22/2010	0		5/18/2010	0.18	Rain
3/28/2010	0.65	Rain	4/23/2010	0.11	Rain	5/19/2010	0.28	Rain
3/29/2010	0.83	T-storm	4/24/2010	0.01	Rain	5/20/2010	0.13	Rain
3/30/2010	0.08	Rain	4/25/2010	0		5/21/2010	0.04	Rain
3/31/2010	0.01		4/26/2010	0.29	Rain	5/22/2010	0.09	Rain
April			4/27/2010	0.29	Rain	5/23/2010	0.18	Rain
4/1/2010	0.08	Rain	4/28/2010	0.26	Rain	5/24/2010	0	
4/2/2010	0.68	Rain	4/29/2010	0		5/25/2010	0.07	Rain
4/3/2010	0.17	Rain	4/30/2010	0.03	Rain	5/26/2010	0.28	Rain
4/4/2010	0.08	Rain	May			5/27/2010	0.04	Rain
4/5/2010	0.14	Rain	5/1/2010	0	Rain	5/28/2010	0.3	Rain
4/6/2010	0		5/2/2010	0.08	Rain	5/29/2010	0.04	Rain
4/7/2010	0.11	Rain	5/3/2010	0.09	Rain	5/30/2010	0.08	Rain
4/8/2010	0.09	Rain	5/4/2010	0.44	Rain	5/31/2010	0.22	Rain
4/9/2010	0.07	Rain	5/5/2010	0.2	Rain	June		

Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
6/1/2010	0.07	Rain	6/28/2010	0		7/24/2010	0	
6/2/2010	0.21	Rain	6/29/2010	0		7/25/2010	0	
6/3/2010	0.01	Rain	6/30/2010	0		7/26/2010	0	
6/4/2010	0.29	Rain	July			7/27/2010	0	
6/5/2010	0.04	Rain	7/1/2010	0.02	Rain	7/28/2010	0	
6/6/2010	0.26	Rain	7/2/2010	0.17	Rain	7/29/2010	0	
6/7/2010	0.06	Rain	7/3/2010	0		7/30/2010	0	Fog
6/8/2010	0.23	Rain	7/4/2010	0.07	Rain	7/31/2010	0	
6/9/2010	0.22	Rain	7/5/2010	0	Rain	August		
6/10/2010	0.08	Rain	7/6/2010	0		8/1/2010	0	
6/11/2010	0.01	Rain	7/7/2010	0		8/2/2010	0	
6/12/2010	0		7/8/2010	0		8/3/2010	0	
6/13/2010	0		7/9/2010	0		8/4/2010	0	
6/14/2010	0		7/10/2010	0		8/5/2010	0.04	Rain
6/15/2010	0.17	Rain	7/11/2010	0		8/6/2010	0	
6/16/2010	0.22	Rain	7/12/2010	0	Rain	8/7/2010	0.16	Rain
6/17/2010	0		7/13/2010	0		8/8/2010	0.01	Rain
6/18/2010	0		7/14/2010	0		8/9/2010	0	Rain
6/19/2010	0.03	Rain	7/15/2010	0		8/10/2010	0	
6/20/2010	0.17	Rain	7/16/2010	0		8/11/2010	0	
6/21/2010	0		7/17/2010	0		8/12/2010	0	
6/22/2010	0		7/18/2010	0		8/13/2010	0	
6/23/2010	0		7/19/2010	0		8/14/2010	0	
6/24/2010	0		7/20/2010	0		8/15/2010	0	
6/25/2010	0		7/21/2010	0		8/16/2010	0	
6/26/2010	0		7/22/2010	0		8/17/2010	0	
6/27/2010	0	Rain	7/23/2010	0		8/18/2010	0	
Precipitation Data			Kirkland, WA (KBFI)			http://www.wunderground.com/		3

Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
8/19/2010	0		9/14/2010	0		10/10/2010	0.92	Rain
8/20/2010	0		9/15/2010	0.21	Rain	10/11/2010	0	
8/21/2010	0.01	Rain	9/16/2010	0.44	Rain	10/12/2010	0	
8/22/2010	0	Rain	9/17/2010	0.7	Fog-Rain	10/13/2010	0.01	
8/23/2010	0		9/18/2010	0.91	Rain	10/14/2010	0.13	Rain
8/24/2010	0		9/19/2010	0.63	Rain	10/15/2010	0	Rain
8/25/2010	0		9/20/2010	0	Rain	10/16/2010	0	
8/26/2010	0	Rain	9/21/2010	0		10/17/2010	0	
8/27/2010	0		9/22/2010	0		10/18/2010	0	
8/28/2010	0		9/23/2010	0.2	Rain	10/19/2010	0	
8/29/2010	0		9/24/2010	0.03	Rain	10/20/2010	0.01	
8/30/2010	0		9/25/2010	0		10/21/2010	0.01	Rain
8/31/2010	0.37	Rain	9/26/2010	0.27	Rain	10/22/2010	0.13	Rain
September			9/27/2010	0.04	Rain	10/23/2010	0.45	Rain
9/1/2010	0		9/28/2010	0.01	Rain	10/24/2010	0.68	Rain
9/2/2010	0		9/29/2010	0		10/25/2010	0.41	Rain
9/3/2010	0		9/30/2010	0		10/26/2010	0.17	Rain
9/4/2010	0.02	Rain	October			10/27/2010	0	
9/5/2010	0		10/1/2010	0		10/28/2010	0.09	Rain
9/6/2010	0.12	Rain	10/2/2010	0		10/29/2010	0.03	Rain
9/7/2010	0.01	Rain	10/3/2010	0		10/30/2010	0.41	Rain
9/8/2010	0.25	Rain	10/4/2010	0		10/31/2010	0.06	Rain
9/9/2010	0.02	Rain	10/5/2010	0		November		
9/10/2010	0		10/6/2010	0.01		11/1/2010	1.35	Rain
9/11/2010	0		10/7/2010	0		11/2/2010	0	
9/12/2010	0		10/8/2010	0.08	Rain	11/3/2010	0	
9/13/2010	0		10/9/2010	1.01	Rain	11/4/2010	0	

Precipitation Data

Kirkland, WA (KBFI)

<http://www.wunderground.com/>

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Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
11/5/2010	0.07	Rain	12/1/2010	0		12/28/2010	0	Rain
11/6/2010	0.69	Rain	12/2/2010	0.01	Fog-Rain	12/29/2010	0	Rain
11/7/2010	0.03	Rain	12/3/2010	0		12/30/2010	0	
11/8/2010	0		12/4/2010	0		12/31/2010	0	
11/9/2010	0.19	Rain	12/5/2010	0		2011 Precipitation Data		
11/10/2010	0		12/6/2010	0		January		
11/11/2010	0.08	Rain	12/7/2010	0.47	Rain	1/1/2011	0	
11/12/2010	0		12/8/2010	0.74	Rain	1/2/2011	0	
11/13/2010	0.12	Rain	12/9/2010	0.99	Rain	1/3/2011	0	
11/14/2010	0.34	Rain	12/10/2010	0		1/4/2011	0.03	Rain
11/15/2010	0.04	Rain	12/11/2010	1.37	Rain	1/5/2011	0.11	Rain
11/16/2010	0		12/12/2010	2.24	Rain	1/6/2011	0.28	Rain
11/17/2010	0.12	Rain	12/13/2010	0.34	Rain	1/7/2011	0.52	Rain
11/18/2010	0.14	Rain	12/14/2010	0.57	Rain	1/8/2011	0.01	
11/19/2010	0.08	Rain	12/15/2010	0.09	Rain	1/9/2011	0.03	Rain
11/20/2010	0.01	Rain	12/16/2010	0.02	Rain	1/10/2011	0	
11/21/2010	0	Snow	12/17/2010	0		1/11/2011	0.12	Fog-Snow
11/22/2010	0.07	Fog-Snow	12/18/2010	0.13	Rain	1/12/2011	0.74	Rain-Snow
11/23/2010	0	Rain-Snow	12/19/2010	0.14	Rain	1/13/2011	0.66	Rain
11/24/2010	0		12/20/2010	0.07	Rain	1/14/2011	0.08	Rain
11/25/2010	0.01	Snow	12/21/2010	0.04	Rain	1/15/2011	0.42	Rain
11/26/2010	0.39	Rain	12/22/2010	0.02	Rain	1/16/2011	0.11	Rain
11/27/2010	0.01		12/23/2010	0.43	Rain	1/17/2011	0	Rain
11/28/2010	0.05	Rain	12/24/2010	0.44	Rain	1/18/2011	0.08	Rain
11/29/2010	0.09	Rain	12/25/2010	0.28	Rain	1/19/2011	0	
11/30/2010	0.69	Rain	12/26/2010	0.24	Rain	1/20/2011	0.05	Rain
December			12/27/2010	0.46	Rain	1/21/2011	0.68	Rain
Precipitation Data			Kirkland, WA (KBFI)			http://www.wunderground.com/		5

Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
1/22/2011	0		2/17/2011	0.02	Rain	3/15/2011	0.43	Rain-T-storm
1/23/2011	0.04	Rain	2/18/2011	0		3/16/2011	0.22	Rain
1/24/2011	0.26	Rain	2/19/2011	0		3/17/2011	0	
1/25/2011	0		2/20/2011	0		3/18/2011	0.18	Rain
1/26/2011	0		2/21/2011	0.06		3/19/2011	0	
1/27/2011	0	Fog	2/22/2011	0.2	Rain-Snow	3/20/2011	0.01	Rain
1/28/2011	0.07	Rain	2/23/2011	0.08	Fog-Snow	3/21/2011	0.01	Rain
1/29/2011	0.26	Rain	2/24/2011	0.01	Snow	3/22/2011	0	
1/30/2011	0		2/25/2011	0		3/23/2011	0	
1/31/2011	0		2/26/2011	0	Snow	3/24/2011	0.04	Rain
February			2/27/2011	0.51	Rain	3/25/2011	0.11	Rain
2/1/2011	0	Rain	2/28/2011	0.22	Rain	3/26/2011	0.08	Fog-Rain
2/2/2011	0		March			3/27/2011	0.19	Rain
2/3/2011	0.02	Rain	3/1/2011	0.22	Rain	3/28/2011	0.11	Rain
2/4/2011	0.06	Rain	3/2/2011	0.14	Rain	3/29/2011	0.13	Rain
2/5/2011	0.09	Rain	3/3/2011	0.35	Rain	3/30/2011	0.09	Rain
2/6/2011	0.11	Rain	3/4/2011	0.12	Rain	3/31/2011	0.11	Rain
2/7/2011	0.06	Rain	3/5/2011	0	Rain	April		
2/8/2011	0.01		3/6/2011	0		4/1/2011	0.85	Rain
2/9/2011	0		3/7/2011	0	Rain	4/2/2011	0.25	Rain
2/10/2011	0		3/8/2011	0.1	Rain	4/3/2011	0.07	Rain
2/11/2011	0		3/9/2011	1.47	Rain	4/4/2011	0.12	Rain
2/12/2011	0.45	Rain	3/10/2011	0.41	Rain	4/5/2011	0.15	Rain
2/13/2011	0.28	Rain	3/11/2011	0		4/6/2011	0.1	Rain
2/14/2011	0.84	Rain	3/12/2011	0.47	Rain	4/7/2011	0.09	Rain
2/15/2011	0.15	Rain	3/13/2011	0.65	Rain	4/8/2011	0	
2/16/2011	0.04	Rain	3/14/2011	0.3	Rain	4/9/2011	0	
Precipitation Data			Kirkland, WA (KBFI)			http://www.wunderground.com/		

Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
4/10/2011	0.09	Rain	5/6/2011	0.12	Rain	6/1/2011	0.24	Rain
4/11/2011	0.04	Rain	5/7/2011	0.04	Rain	6/2/2011	0.25	Rain
4/12/2011	0		5/8/2011	0.17	Rain	6/3/2011	0	
4/13/2011	0.07	Rain	5/9/2011	0		6/4/2011	0	
4/14/2011	0.39	Rain	5/10/2011	0		6/5/2011	0	
4/15/2011	0.02	Rain	5/11/2011	0.51	Rain	6/6/2011	0	
4/16/2011	0.15	Rain	5/12/2011	0		6/7/2011	0.1	Rain
4/17/2011	0		5/13/2011	0		6/8/2011	0	Rain
4/18/2011	0.02		5/14/2011	0.52	Rain	6/9/2011	0	
4/19/2011	0		5/15/2011	0.69	Rain	6/10/2011	0	
4/20/2011	0		5/16/2011	0		6/11/2011	0	
4/21/2011	0.04	Rain	5/17/2011	0	Fog	6/12/2011	0	Rain
4/22/2011	0		5/18/2011	0		6/13/2011	0.03	Rain
4/23/2011	0		5/19/2011	0		6/14/2011	0	
4/24/2011	0.05	Rain	5/20/2011	0		6/15/2011	0.11	Rain
4/25/2011	0.45	Rain	5/21/2011	0.1	Rain	6/16/2011	0	
4/26/2011	0.03	Rain	5/22/2011	0	Rain	6/17/2011	0	
4/27/2011	0.44	Rain	5/23/2011	0		6/18/2011	0.3	Rain
4/28/2011	0.04	Rain	5/24/2011	0		6/19/2011	0.03	Rain
4/29/2011	0.04	Rain	5/25/2011	0.24	Rain	6/20/2011	0	Rain
4/30/2011	0.17	Rain	5/26/2011	0.04	Rain	6/21/2011	0	
May			5/27/2011	0.09	Rain	6/22/2011	0	
5/1/2011	0		5/28/2011	0	Rain	6/23/2011	0.01	Rain
5/2/2011	0.22	Rain	5/29/2011	0		6/24/2011	0.12	Rain
5/3/2011	0	Rain	5/30/2011	0		6/25/2011	0	
5/4/2011	0		5/31/2011	0.06	Rain	6/26/2011	0	
5/5/2011	0.04	Rain	June			6/27/2011	0	Rain

Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
6/28/2011	0		7/24/2011	0		8/19/2011	0	
6/29/2011	0		7/25/2011	0.27	Rain	8/20/2011	0	
6/30/2011	0		7/26/2011	0		8/21/2011	0	
July			7/27/2011	0	Rain	8/22/2011	0.08	Rain
7/1/2011	0		7/28/2011	0		8/23/2011	0	
7/2/2011	0		7/29/2011	0		8/24/2011	0	
7/3/2011	0	Rain	7/30/2011	0		8/25/2011	0	
7/4/2011	0		7/31/2011	0		8/26/2011	0	
7/5/2011	0		August			8/27/2011	0	
7/6/2011	0		8/1/2011	0		8/28/2011	0	
7/7/2011	0.01	Rain	8/2/2011	0		8/29/2011	0	
7/8/2011	0		8/3/2011	0		8/30/2011	0	Rain
7/9/2011	0		8/4/2011	0		8/31/2011	0	
7/10/2011	0		8/5/2011	0		September		
7/11/2011	0	Rain	8/6/2011	0		9/1/2011	0	
7/12/2011	0.09	Rain	8/7/2011	0		9/2/2011	0	
7/13/2011	0.01		8/8/2011	0		9/3/2011	0	
7/14/2011	0	Rain	8/9/2011	0		9/4/2011	0	
7/15/2011	0.04	Rain	8/10/2011	0		9/5/2011	0	
7/16/2011	0.33	Rain	8/11/2011	0		9/6/2011	0	
7/17/2011	0.06	Rain	8/12/2011	0	Rain	9/7/2011	0	
7/18/2011	0		8/13/2011	0		9/8/2011	0	
7/19/2011	0		8/14/2011	0		9/9/2011	0	
7/20/2011	0		8/15/2011	0		9/10/2011	0	
7/21/2011	0		8/16/2011	0		9/11/2011	0	
7/22/2011	0		8/17/2011	0		9/12/2011	0	
7/23/2011	0		8/18/2011	0		9/13/2011	0	

Precipitation Data

Kirkland, WA (KBFI)

<http://www.wunderground.com/>

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Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
9/14/2011	0		10/10/2011	0.18	Rain	11/5/2011	0	
9/15/2011	0		10/11/2011	0.57	Rain	11/6/2011	0	Fog
9/16/2011	0		10/12/2011	0.01	Rain	11/7/2011	0.01	Rain
9/17/2011	0.21	Rain	10/13/2011	0		11/8/2011	0	
9/18/2011	0.13	Rain	10/14/2011	0.01		11/9/2011	0	Rain
9/19/2011	0.06	Rain	10/15/2011	0		11/10/2011	0	
9/20/2011	0		10/16/2011	0		11/11/2011	0.3	Rain
9/21/2011	0		10/17/2011	0		11/12/2011	0.15	Rain
9/22/2011	0		10/18/2011	0		11/13/2011	0.09	Rain
9/23/2011	0		10/19/2011	0	Rain	11/14/2011	0	
9/24/2011	0		10/20/2011	0		11/15/2011	0	
9/25/2011	0.22	Rain	10/21/2011	0.03	Rain	11/16/2011	0.38	Rain
9/26/2011	0.32	Rain	10/22/2011	0.28	Rain	11/17/2011	0.1	Rain
9/27/2011	0.04	Rain	10/23/2011	0		11/18/2011	0.01	Rain
9/28/2011	0.01		10/24/2011	0.02	Rain	11/19/2011	0	
9/29/2011	0		10/25/2011	0	Fog	11/20/2011	0	
9/30/2011	0.02		10/26/2011	0.01	Rain	11/21/2011	0.42	Rain
October			10/27/2011	0	Fog	11/22/2011	1.58	Rain
10/1/2011	0		10/28/2011	0.38	Rain	11/23/2011	1	Rain
10/2/2011	0.14	Rain	10/29/2011	0		11/24/2011	0.35	Rain
10/3/2011	0.09	Rain	10/30/2011	0.14	Rain	11/25/2011	0	
10/4/2011	0.02	Rain	10/31/2011	0		11/26/2011	0.03	Rain
10/5/2011	0.1	Rain	November			11/27/2011	0.33	Rain
10/6/2011	0.19	Rain	11/1/2011	0		11/28/2011	0	Rain
10/7/2011	0.05	Rain	11/2/2011	0.42	Fog-Rain	11/29/2011	0.05	Rain
10/8/2011	0.01	Rain	11/3/2011	0		11/30/2011	0	
10/9/2011	0.06	Rain	11/4/2011	0.06	Rain	December		

Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
12/1/2011	0	Fog	12/28/2011	0.47	Rain	1/22/2012	0.29	Rain
12/2/2011	0	Rain	12/29/2011	0.21	Rain	1/23/2012	0	
12/3/2011	0		12/30/2011	0.02	Rain	1/24/2012	0.24	Rain
12/4/2011	0		12/31/2011	0		1/25/2012	0.4	Rain
12/5/2011	0	Fog	2012 Precipitation Data			1/26/2012	0.31	Rain
12/6/2011	0	Fog	January			1/27/2012	0	
12/7/2011	0		1/1/2012	0		1/28/2012	0	
12/8/2011	0		1/2/2012	0.48	Rain	1/29/2012	0.67	Rain
12/9/2011	0		1/3/2012	0.03	Rain	1/30/2012	0.11	Rain
12/10/2011	0.01	Rain	1/4/2012	0.65	Rain	1/31/2012	0.04	Rain
12/11/2011	0.05	Rain	1/5/2012	0.08	Rain	February		
12/12/2011	0	Fog	1/6/2012	0.04	Rain	2/1/2012	0.45	Rain
12/13/2011	0	Fog	1/7/2012	0	Rain	2/2/2012	0	
12/14/2011	0.01	Rain	1/8/2012	0		2/3/2012	0	
12/15/2011	0.03	Rain	1/9/2012	0.17	Rain	2/4/2012	0	
12/16/2011	0		1/10/2012	0.06	Rain	2/5/2012	0	
12/17/2011	0	Fog	1/11/2012	0		2/6/2012	0	
12/18/2011	0.08	Rain	1/12/2012	0		2/7/2012	0	Rain
12/19/2011	0	Fog	1/13/2012	0		2/8/2012	0.1	Rain
12/20/2011	0		1/14/2012	0.13	Rain	2/9/2012	0.11	Rain
12/21/2011	0	Fog	1/15/2012	0.23	Fog-Snow	2/10/2012	0.09	Rain
12/22/2011	0	Fog	1/16/2012	0.07	Rain-Snow	2/11/2012	0	
12/23/2011	0.01	Rain	1/17/2012	0.09	Rain	2/12/2012	0.04	Rain
12/24/2011	0.01	Rain	1/18/2012	0.44	Fog-Rain-Snow	2/13/2012	0.44	Rain
12/25/2011	0.04	Rain	1/19/2012	0.32	Rain-Snow	2/14/2012	0.04	Rain
12/26/2011	0.03	Rain	1/20/2012	0.39	Rain	2/15/2012	0	
12/27/2011	0.03	Rain	1/21/2012	0.06	Rain	2/16/2012	0.04	Rain

Precipitation Data

Kirkland, WA (KBFI)

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Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
2/17/2012	0.4	Rain	3/14/2012	0.44	Rain	4/9/2012	0	
2/18/2012	0.18	Rain	3/15/2012	1.07	Rain	4/10/2012	0	Rain
2/19/2012	0		3/16/2012	0.19	Rain	4/11/2012	0.08	Rain
2/20/2012	0	Rain	3/17/2012	0.44	Rain-Snow	4/12/2012	0	
2/21/2012	0	Rain	3/18/2012	0.08	Rain	4/13/2012	0	
2/22/2012	0.22	Rain	3/19/2012	0.03	Rain	4/14/2012	0	
2/23/2012	0		3/20/2012	0.12	Rain	4/15/2012	0	
2/24/2012	0.49	Rain	3/21/2012	0	Rain	4/16/2012	0.24	Rain
2/25/2012	0.01		3/22/2012	0.16	Rain	4/17/2012	0.07	Rain
2/26/2012	0		3/23/2012	0		4/18/2012	0.09	Rain
2/27/2012	0		3/24/2012	0		4/19/2012	0.28	Rain
2/28/2012	0.18	Rain-Snow	3/25/2012	0		4/20/2012	0.26	Rain
2/29/2012	0.08	Rain-Snow	3/26/2012	0		4/21/2012	0	
March			3/27/2012	0.21	Rain	4/22/2012	0	
3/1/2012	0		3/28/2012	0.15	Rain	4/23/2012	0	
3/2/2012	0.04	Rain	3/29/2012	1.15	Rain	4/24/2012	0.03	Rain
3/3/2012	0		3/30/2012	0.08	Rain	4/25/2012	0.41	Rain
3/4/2012	0		3/31/2012	0	Rain	4/26/2012	0.16	Rain
3/5/2012	0.36	Rain	April			4/27/2012	0.01	Rain
3/6/2012	0.05	Snow	4/1/2012	0	Rain	4/28/2012	0	Rain
3/7/2012	0		4/2/2012	0		4/29/2012	0.08	Rain
3/8/2012	0		4/3/2012	0	Rain	4/30/2012	0.26	Rain
3/9/2012	0.17	Rain	4/4/2012	0		May		
3/10/2012	0.46	Rain	4/5/2012	0	Rain	5/1/2012	0.05	Rain
3/11/2012	0.31	Rain	4/6/2012	0		5/2/2012	0	
3/12/2012	0.66	Rain	4/7/2012	0		5/3/2012	0.78	Rain
3/13/2012	0.23	Rain-Snow	4/8/2012	0		5/4/2012	0.32	Rain

Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
5/5/2012	0		June			6/27/2012	0	
5/6/2012	0		6/1/2012	0.1	Rain	6/28/2012	0	Rain
5/7/2012	0		6/2/2012	0.02	Rain	6/29/2012	0	Rain
5/8/2012	0		6/3/2012	0		6/30/2012	0	Rain
5/9/2012	0.01	Rain	6/4/2012	0.03	Rain	July		
5/10/2012	0		6/5/2012	0.49	Rain	7/1/2012	0	Rain
5/11/2012	0		6/6/2012	0		7/2/2012	0	Rain
5/12/2012	0		6/7/2012	0.54	Rain	7/3/2012	0	Rain
5/13/2012	0		6/8/2012	0.05	Rain-T-storm	7/4/2012	0	
5/14/2012	0		6/9/2012	0.02		7/5/2012	0	
5/15/2012	0		6/10/2012	0		7/6/2012	0	
5/16/2012	0		6/11/2012	0		7/7/2012	0	
5/17/2012	0.47	Rain	6/12/2012	0.03	Rain	7/8/2012	0	
5/18/2012	0		6/13/2012	0		7/9/2012	0	
5/19/2012	0		6/14/2012	0		7/10/2012	0	
5/20/2012	0.16	Rain	6/15/2012	0		7/11/2012	0	
5/21/2012	0.41	Rain	6/16/2012	0	Rain	7/12/2012	0	
5/22/2012	0.12	Rain	6/17/2012	0		7/13/2012	0	T-storm
5/23/2012	0.02	Rain	6/18/2012	0.21	Rain	7/14/2012	0	
5/24/2012	0.01	Rain	6/19/2012	0.03	Rain	7/15/2012	0	
5/25/2012	0.05		6/20/2012	0		7/16/2012	0	
5/26/2012	0		6/21/2012	0		7/17/2012	0	Rain
5/27/2012	0		6/22/2012	0.31	Rain	7/18/2012	0	
5/28/2012	0		6/23/2012	0.6	Rain	7/19/2012	0	
5/29/2012	0		6/24/2012	0.01		7/20/2012	0.61	Rain-T-storm
5/30/2012	0.02	Rain	6/25/2012	0	Rain	7/21/2012	0	
5/31/2012	0.15	Rain	6/26/2012	0.01	Rain	7/22/2012	0	Rain
Precipitation Data			Kirkland, WA (KBFI)			http://www.wunderground.com/		12

Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
7/23/2012	0		8/18/2012	0		9/13/2012	0	
7/24/2012	0		8/19/2012	0		9/14/2012	0	
7/25/2012	0		8/20/2012	0		9/15/2012	0	
7/26/2012	0		8/21/2012	0		9/16/2012	0	
7/27/2012	0		8/22/2012	0		9/17/2012	0	
7/28/2012	0		8/23/2012	0		9/18/2012	0	
7/29/2012	0		8/24/2012	0		9/19/2012	0	
7/30/2012	0		8/25/2012	0		9/20/2012	0	Fog
7/31/2012	0		8/26/2012	0		9/21/2012	0	
August			8/27/2012	0		9/22/2012	0.02	Rain
8/1/2012	0		8/28/2012	0		9/23/2012	0	
8/2/2012	0		8/29/2012	0		9/24/2012	0	
8/3/2012	0		8/30/2012	0		9/25/2012	0	
8/4/2012	0		8/31/2012	0		9/26/2012	0	
8/5/2012	0		September			9/27/2012	0	
8/6/2012	0		9/1/2012	0		9/28/2012	0	
8/7/2012	0		9/2/2012	0		9/29/2012	0	Rain
8/8/2012	0		9/3/2012	0		9/30/2012	0	
8/9/2012	0		9/4/2012	0		October		
8/10/2012	0		9/5/2012	0		10/1/2012	0	
8/11/2012	0		9/6/2012	0		10/2/2012	0	
8/12/2012	0		9/7/2012	0		10/3/2012	0	
8/13/2012	0		9/8/2012	0		10/4/2012	0	
8/14/2012	0		9/9/2012	0		10/5/2012	0	
8/15/2012	0		9/10/2012	0.02	Rain	10/6/2012	0	
8/16/2012	0		9/11/2012	0		10/7/2012	0	
8/17/2012	0		9/12/2012	0		10/8/2012	0	

Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
10/9/2012	0		11/4/2012	0.17	Rain	December		
10/10/2012	0		11/5/2012	0.05	Rain	12/1/2012	0.28	Rain
10/11/2012	0		11/6/2012	0.01		12/2/2012	1	Rain
10/12/2012	0.09	Rain	11/7/2012	0		12/3/2012	0.41	Rain
10/13/2012	0.09	Rain	11/8/2012	0		12/4/2012	0.46	Rain
10/14/2012	0.52	Rain	11/9/2012	0		12/5/2012	0.02	Rain
10/15/2012	0.22	Rain	11/10/2012	0		12/6/2012	0.07	Rain
10/16/2012	0		11/11/2012	0.55	Rain	12/7/2012	0.14	Rain
10/17/2012	0		11/12/2012	0.13	Rain	12/8/2012	0	
10/18/2012	0.64	Rain	11/13/2012	0.19	Rain	12/9/2012	0.06	Rain
10/19/2012	0.1	Rain	11/14/2012	0		12/10/2012	0	
10/20/2012	0.18	Rain-T-storm	11/15/2012	0	Fog	12/11/2012	0.1	Rain
10/21/2012	0.14	Rain	11/16/2012	0.25	Fog-Rain	12/12/2012	0.28	Rain
10/22/2012	0.26	Rain	11/17/2012	0.2	Rain	12/13/2012	0.08	Rain
10/23/2012	0	Rain	11/18/2012	0.63	Rain	12/14/2012	0.25	Rain
10/24/2012	0.19	Rain	11/19/2012	2.49	Rain	12/15/2012	0.24	Rain
10/25/2012	0		11/20/2012	0.22	Rain	12/16/2012	0.92	Rain
10/26/2012	0.06	Rain	11/21/2012	0.52	Rain	12/17/2012	0.11	Rain
10/27/2012	0.75	Rain	11/22/2012	0.02	Rain	12/18/2012	0.05	Rain-Snow
10/28/2012	0.26	Rain	11/23/2012	0.95	Rain	12/19/2012	0.99	Rain-Snow
10/29/2012	0.57	Rain	11/24/2012	0	Rain	12/20/2012	0.64	Rain
10/30/2012	1.2	Rain	11/25/2012	0	Fog	12/21/2012	0.07	Fog-Rain
10/31/2012	0.64	Rain	11/26/2012	0		12/22/2012	0.12	Rain
November			11/27/2012	0		12/23/2012	0.39	Rain
11/1/2012	0.34	Rain	11/28/2012	0.12	Rain	12/24/2012	0.08	Rain
11/2/2012	0.19	Rain	11/29/2012	0.11	Rain	12/25/2012	0.41	Rain
11/3/2012	0.02	Rain	11/30/2012	1.51	Rain	12/26/2012	0.25	Rain
Precipitation Data			Kirkland, WA (KBFI)			http://www.wunderground.com/		

Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
12/27/2012	0.27	Rain	1/22/2013	0	Fog	2/17/2013	0	
12/28/2012	0	Rain	1/23/2013	0.21	Rain	2/18/2013	0	Rain
12/29/2012	0.06	Rain	1/24/2013	0.16	Rain	2/19/2013	0	
12/30/2012	0	Fog	1/25/2013	0.09	Rain	2/20/2013	0.07	Rain
12/31/2012	0		1/26/2013	0.16	Rain	2/21/2013	0.01	Rain
January			1/27/2013	0.01	Rain	2/22/2013	0.34	Rain
1/1/2013	0		1/28/2013	0.21	Rain	2/23/2013	0	
1/2/2013	0		1/29/2013	0.29	Rain	2/24/2013	0.02	Rain
1/3/2013	0.18	Rain	1/30/2013	0.06	Rain	2/25/2013	0.14	Rain
1/4/2013	0.07	Rain	1/31/2013	0.08	Rain	2/26/2013	0.01	Rain
1/5/2013	0.1	Rain	February			2/27/2013	0.32	Rain
1/6/2013	0.03	Rain	2/1/2013	0		2/28/2013	0.25	Rain
1/7/2013	0.02	Rain	2/2/2013	0	Fog	March		
1/8/2013	0.53	Rain	2/3/2013	0.08	Rain	3/1/2013	0.04	Rain
1/9/2013	1.15	Rain	2/4/2013	0		3/2/2013	0.21	Rain
1/10/2013	0	Fog-Rain	2/5/2013	0.18	Rain	3/3/2013	0	
1/11/2013	0	Fog	2/6/2013	0.08	Rain	3/4/2013	0	
1/12/2013	0		2/7/2013	0.09	Rain	3/5/2013	0	
1/13/2013	0		2/8/2013	0		3/6/2013	0.61	Rain
1/14/2013	0		2/9/2013	0.01	Rain	3/7/2013	0.26	Rain
1/15/2013	0		2/10/2013	0	Fog	3/8/2013	0	Fog
1/16/2013	0	Fog	2/11/2013	0.01	Rain	3/9/2013	0	Fog
1/17/2013	0	Fog	2/12/2013	0		3/10/2013	0.01	Rain
1/18/2013	0	Fog	2/13/2013	0		3/11/2013	0.03	Rain
1/19/2013	0	Fog	2/14/2013	0.03	Rain	3/12/2013	0.01	Rain
1/20/2013	0	Fog	2/15/2013	0		3/13/2013	0.15	Rain
1/21/2013	0	Fog	2/16/2013	0	Rain	3/14/2013	0.05	Rain

Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
3/15/2013	0		4/10/2013	0.15	Rain	5/6/2013	0	
3/16/2013	0.04	Rain	4/11/2013	0.09	Rain	5/7/2013	0	
3/17/2013	0		4/12/2013	0.18	Rain	5/8/2013	0	
3/18/2013	0	Rain	4/13/2013	0.31	Rain	5/9/2013	0	
3/19/2013	0.37	Rain	4/14/2013	0.06	Rain	5/10/2013	0	
3/20/2013	0.72	Rain	4/15/2013	0		5/11/2013	0	
3/21/2013	0.1	Rain	4/16/2013	0.07	Rain	5/12/2013	0.08	Rain
3/22/2013	0.01	Rain	4/17/2013	0		5/13/2013	0.11	Rain-T-storm
3/23/2013	0		4/18/2013	0.18	Rain	5/14/2013	0	
3/24/2013	0		4/19/2013	0.67	Rain	5/15/2013	0.03	Rain
3/25/2013	0		4/20/2013	0.01	Rain	5/16/2013	0	Rain
3/26/2013	0		4/21/2013	0.03	Rain	5/17/2013	0.02	Rain
3/27/2013	0.01	Rain	4/22/2013	0		5/18/2013	0	
3/28/2013	0.06	Rain	4/23/2013	0		5/19/2013	0	
3/29/2013	0.01	Rain	4/24/2013	0		5/20/2013	0	
3/30/2013	0		4/25/2013	0		5/21/2013	0.39	Rain
3/31/2013	0		4/26/2013	0		5/22/2013	0.21	Rain
April			4/27/2013	0	Rain	5/23/2013	0.08	Rain
4/1/2013	0		4/28/2013	0.08	Rain	5/24/2013	0.02	Rain
4/2/2013	0		4/29/2013	0.15	Rain	5/25/2013	0	Rain
4/3/2013	0		4/30/2013	0		5/26/2013	0.08	Rain
4/4/2013	0.41	Rain	May			5/27/2013	0.2	Rain
4/5/2013	0.44	Rain	5/1/2013	0		5/28/2013	0.01	Rain
4/6/2013	0.44	Rain	5/2/2013	0		5/29/2013	0.17	Rain
4/7/2013	0.96	Rain	5/3/2013	0		5/30/2013	0	
4/8/2013	0.04	Rain	5/4/2013	0		5/31/2013	0	
4/9/2013	0		5/5/2013	0		June		
Precipitation Data			Kirkland, WA (KBFI)			http://www.wunderground.com/		16

Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
6/1/2013	0		6/28/2013	0		7/24/2013	0	
6/2/2013	0	Rain	6/29/2013	0		7/25/2013	0	
6/3/2013	0		6/30/2013	0		7/26/2013	0	
6/4/2013	0		July			7/27/2013	0	
6/5/2013	0		7/1/2013	0		7/28/2013	0	
6/6/2013	0		7/2/2013	0		7/29/2013	0	
6/7/2013	0		7/3/2013	0		7/30/2013	0	
6/8/2013	0		7/4/2013	0		7/31/2013	0	T-storm
6/9/2013	0		7/5/2013	0		August		
6/10/2013	0		7/6/2013	0		8/1/2013	0	
6/11/2013	0	Rain	7/7/2013	0		8/2/2013	0	Rain
6/12/2013	0		7/8/2013	0		8/3/2013	0	
6/13/2013	0		7/9/2013	0		8/4/2013	0	
6/14/2013	0		7/10/2013	0		8/5/2013	0	
6/15/2013	0		7/11/2013	0		8/6/2013	0	
6/16/2013	0		7/12/2013	0		8/7/2013	0	
6/17/2013	0		7/13/2013	0		8/8/2013	0	
6/18/2013	0		7/14/2013	0		8/9/2013	0	
6/19/2013	0	Rain	7/15/2013	0		8/10/2013	0	Rain-T-storm
6/20/2013	0	Rain	7/16/2013	0	Rain	8/11/2013	0	
6/21/2013	0.01	Rain	7/17/2013	0	Rain	8/12/2013	0	
6/22/2013	0		7/18/2013	0		8/13/2013	0	
6/23/2013	0	Rain	7/19/2013	0		8/14/2013	0	Rain
6/24/2013	0.01	Rain	7/20/2013	0		8/15/2013	0	Rain
6/25/2013	0.01	Rain-T-storm	7/21/2013	0		8/16/2013	0	
6/26/2013	0.56	Rain	7/22/2013	0		8/17/2013	0	
6/27/2013	0.13	Rain	7/23/2013	0		8/18/2013	0	
Precipitation Data			Kirkland, WA (KBF1)			http://www.wunderground.com/		17

Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
8/19/2013	0		9/14/2013	0		10/10/2013	0.03	Rain
8/20/2013	0		9/15/2013	0.21	Rain-T-storm	10/11/2013	0.53	Rain
8/21/2013	0		9/16/2013	0		10/12/2013	0.06	Rain
8/22/2013	0		9/17/2013	0		10/13/2013	0	
8/23/2013	0		9/18/2013	0		10/14/2013	0.01	Fog
8/24/2013	0		9/19/2013	0		10/15/2013	0	Fog
8/25/2013	0		9/20/2013	0.15	Rain	10/16/2013	0	
8/26/2013	0	Rain	9/21/2013	0.01		10/17/2013	0.01	
8/27/2013	0	Rain	9/22/2013	0.37	Rain	10/18/2013	0	Fog
8/28/2013	0	Rain	9/23/2013	0.08	Rain	10/19/2013	0	Fog
8/29/2013	0.38	Rain-T-storm	9/24/2013	0.01		10/20/2013	0	
8/30/2013	0		9/25/2013	0.04	Rain	10/21/2013	0	
8/31/2013	0		9/26/2013	0.01	Fog	10/22/2013	0	Fog
September			9/27/2013	0.05	Rain	10/23/2013	0.01	Fog
9/1/2013	0		9/28/2013	1.21	Rain	10/24/2013	0.01	Fog
9/2/2013	0		9/29/2013	0.62	Rain	10/25/2013	0	
9/3/2013	0.12	Rain	9/30/2013	0.63	Rain	10/26/2013	0.01	Fog
9/4/2013	0	Rain	October			10/27/2013	0.06	Rain
9/5/2013	0.46	Rain-T-storm	10/1/2013	0.08	Rain	10/28/2013	0	
9/6/2013	1.08	Rain	10/2/2013	0.19	Rain	10/29/2013	0	
9/7/2013	0	Rain	10/3/2013	0.02	Rain	10/30/2013	0.01	Rain
9/8/2013	0.01		10/4/2013	0.01	Fog	10/31/2013	0.01	Rain
9/9/2013	0		10/5/2013	0	Fog	November		
9/10/2013	0		10/6/2013	0.04	Rain	11/1/2013	0	Rain
9/11/2013	0		10/7/2013	0.1	Rain	11/2/2013	0.38	Rain
9/12/2013	0		10/8/2013	0.39	Rain-T-storm	11/3/2013	0.02	Rain
9/13/2013	0		10/9/2013	0		11/4/2013	0.01	Rain

Precipitation Data

Kirkland, WA (KBFI)

<http://www.wunderground.com/>

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Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
11/5/2013	0.05	Rain	12/1/2013	0.03	Rain	12/28/2013	0	Fog
11/6/2013	0.09	Rain	12/2/2013	0.11	Rain	12/29/2013	0	Fog
11/7/2013	0.94	Rain	12/3/2013	0.01		12/30/2013	0.02	Rain
11/8/2013	0		12/4/2013	0		12/31/2013	0.01	Fog
11/9/2013	0.09	Rain	12/5/2013	0		2014 Precipitation Data		
11/10/2013	0	Rain	12/6/2013	0		January		
11/11/2013	0		12/7/2013	0		1/1/2014	0.01	Fog-Rain
11/12/2013	0.14	Rain	12/8/2013	0		1/2/2014	0.53	Rain
11/13/2013	0		12/9/2013	0	Snow	1/3/2014	0.03	Rain
11/14/2013	0.01	Rain	12/10/2013	0		1/4/2014	0	
11/15/2013	0.08	Rain	12/11/2013	0	Fog	1/5/2014	0	Fog
11/16/2013	0		12/12/2013	0.22	Fog-Rain	1/6/2014	0	
11/17/2013	0.05	Rain	12/13/2013	0.01		1/7/2014	0.34	Rain
11/18/2013	0.8	Rain	12/14/2013	0		1/8/2014	0.44	Rain
11/19/2013	0.11	Rain	12/15/2013	0.03	Rain	1/9/2014	0.09	Rain
11/20/2013	0		12/16/2013	0	Fog	1/10/2014	0.15	Rain
11/21/2013	0		12/17/2013	0		1/11/2014	0.91	Rain
11/22/2013	0		12/18/2013	0.04	Rain	1/12/2014	0.02	Rain
11/23/2013	0.08		12/19/2013	0		1/13/2014	0.01	
11/24/2013	0		12/20/2013	0.1	Rain-Snow	1/14/2014	0	
11/25/2013	0	Fog	12/21/2013	0.22	Rain	1/15/2014	0	
11/26/2013	0	Fog-Rain	12/22/2013	0.21	Rain	1/16/2014	0	
11/27/2013	0		12/23/2013	0.01	Rain	1/17/2014	0	
11/28/2013	0	Fog	12/24/2013	0		1/18/2014	0	
11/29/2013	0.01	Fog	12/25/2013	0	Fog	1/19/2014	0	
11/30/2013	0.06	Rain	12/26/2013	0	Fog	1/20/2014	0	
December			12/27/2013	0.03	Fog-Rain	1/21/2014	0	Fog
Precipitation Data			Kirkland, WA (KBFI)			http://www.wunderground.com/		

Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
1/22/2014	0		2/17/2014	0.44	Rain	3/15/2014	0.2	Rain
1/23/2014	0		2/18/2014	0.62	Rain	3/16/2014	1.09	Rain
1/24/2014	0	Fog	2/19/2014	0.02	Rain	3/17/2014	0.01	
1/25/2014	0	Fog	2/20/2014	0.03	Rain	3/18/2014	0.01	
1/26/2014	0	Fog	2/21/2014	0.23	Rain	3/19/2014	0	Rain
1/27/2014	0	Fog	2/22/2014	0.09	Rain	3/20/2014	0	Rain
1/28/2014	0.35	Rain	2/23/2014	0.18	Rain	3/21/2014	0	
1/29/2014	0.77	Rain	2/24/2014	0.39	Rain	3/22/2014	0	
1/30/2014	0.01		2/25/2014	0		3/23/2014	0	
1/31/2014	0.03	Rain	2/26/2014	0		3/24/2014	0	
February			2/27/2014	0		3/25/2014	0.22	Rain
2/1/2014	0.02	Fog-Rain	2/28/2014	0		3/26/2014	0.06	Rain
2/2/2014	0	Fog	March			3/27/2014	0.03	Rain
2/3/2014	0		3/1/2014	0.01	Rain	3/28/2014	0.51	Rain
2/4/2014	0		3/2/2014	0.7	Rain	3/29/2014	0.63	Rain
2/5/2014	0		3/3/2014	0.37	Rain	3/30/2014	0.02	
2/6/2014	0		3/4/2014	0.41	Rain	3/31/2014	0	
2/7/2014	0		3/5/2014	1.44	Rain	April		
2/8/2014	0.09	Snow	3/6/2014	0.21	Rain	4/1/2014	0	
2/9/2014	0.01	Rain-Snow	3/7/2014	0		4/2/2014	0	
2/10/2014	0.54	Rain	3/8/2014	1.12	Rain	4/3/2014	0.11	Rain
2/11/2014	0.75	Rain	3/9/2014	0.26	Rain	4/4/2014	0	Rain
2/12/2014	0.14	Rain	3/10/2014	0.44	Rain	4/5/2014	0.08	Rain
2/13/2014	0	Rain	3/11/2014	0		4/6/2014	0	
2/14/2014	0.41	Rain	3/12/2014	0	Fog	4/7/2014	0	
2/15/2014	0.51	Rain	3/13/2014	0	Rain	4/8/2014	0.37	Rain
2/16/2014	1.41	Rain	3/14/2014	0.11	Rain	4/9/2014	0.01	

Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
4/10/2014	0		5/6/2014	0		6/1/2014	0	
4/11/2014	0		5/7/2014	0		6/2/2014	0	
4/12/2014	0		5/8/2014	0.32	Rain	6/3/2014	0	
4/13/2014	0		5/9/2014	0.07	Rain	6/4/2014	0	
4/14/2014	0		5/10/2014	0		6/5/2014	0	
4/15/2014	0.01	Rain	5/11/2014	0.01		6/6/2014	0	
4/16/2014	0.41	Rain	5/12/2014	0		6/7/2014	0	
4/17/2014	0.7	Rain	5/13/2014	0		6/8/2014	0	
4/18/2014	0		5/14/2014	0		6/9/2014	0	
4/19/2014	0.36	Rain	5/15/2014	0		6/10/2014	0	
4/20/2014	0		5/16/2014	0		6/11/2014	0	
4/21/2014	0.14	Rain	5/17/2014	0		6/12/2014	0	Rain
4/22/2014	0.53	Rain	5/18/2014	0.04	Rain	6/13/2014	0.03	Rain
4/23/2014	0.22	Rain	5/19/2014	0		6/14/2014	0	Rain
4/24/2014	0.3	Rain	5/20/2014	0		6/15/2014	0.01	Rain
4/25/2014	0.05		5/21/2014	0		6/16/2014	0.11	Rain
4/26/2014	0.18	Rain	5/22/2014	0		6/17/2014	0.05	Rain
4/27/2014	0	Rain	5/23/2014	0.16	Rain	6/18/2014	0	
4/28/2014	0		5/24/2014	0		6/19/2014	0	Rain
4/29/2014	0		5/25/2014	0.27	Rain	6/20/2014	0	Rain
4/30/2014	0		5/26/2014	0.01		6/21/2014	0	
May			5/27/2014	0	Rain	6/22/2014	0	
5/1/2014	0		5/28/2014	0.03	Rain	6/23/2014	0	Rain
5/2/2014	0	Rain	5/29/2014	0		6/24/2014	0	
5/3/2014	1.19	Rain	5/30/2014	0		6/25/2014	0	
5/4/2014	0.26	Rain	5/31/2014	0		6/26/2014	0	Rain
5/5/2014	0.24	Rain	June			6/27/2014	0	Rain

Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
6/28/2014	0	Rain	7/24/2014	0	Rain	8/19/2014	0	
6/29/2014	0		7/25/2014	0		8/20/2014	0	
6/30/2014	0		7/26/2014	0		8/21/2014	0	
July			7/27/2014	0		8/22/2014	0	
7/1/2014	0		7/28/2014	0		8/23/2014	0	
7/2/2014	0		7/29/2014	0		8/24/2014	0	
7/3/2014	0		7/30/2014	0		8/25/2014	0	
7/4/2014	0		7/31/2014	0		8/26/2014	0	
7/5/2014	0		August			8/27/2014	0	
7/6/2014	0		8/1/2014	0		8/28/2014	0	
7/7/2014	0		8/2/2014	0		8/29/2014	0	
7/8/2014	0		8/3/2014	0		8/30/2014	0	Rain
7/9/2014	0		8/4/2014	0		8/31/2014	0	Rain
7/10/2014	0		8/5/2014	0		September		
7/11/2014	0		8/6/2014	0		9/1/2014	0	Rain
7/12/2014	0		8/7/2014	0		9/2/2014	0	Rain
7/13/2014	0	Rain	8/8/2014	0		9/3/2014	0	
7/14/2014	0		8/9/2014	0		9/4/2014	0	
7/15/2014	0		8/10/2014	0		9/5/2014	0	
7/16/2014	0		8/11/2014	0	Rain	9/6/2014	0	
7/17/2014	0		8/12/2014	0	Rain	9/7/2014	0	
7/18/2014	0		8/13/2014	0	Rain	9/8/2014	0	Rain
7/19/2014	0		8/14/2014	0	Rain	9/9/2014	0	
7/20/2014	0		8/15/2014	0	Rain	9/10/2014	0	
7/21/2014	0	Rain	8/16/2014	0		9/11/2014	0	
7/22/2014	0		8/17/2014	0		9/12/2014	0	
7/23/2014	0	Rain	8/18/2014	0		9/13/2014	0	

Date	Precipitation Event	(inches)	Date	Precipitation Event	(inches)	Date	Precipitation Event	(inches)
9/14/2014	0		10/10/2014	0		11/5/2014	0.27	Rain
9/15/2014	0		10/11/2014	0		11/6/2014	0.22	Rain
9/16/2014	0		10/12/2014	0		11/7/2014	0	
9/17/2014	0		10/13/2014	0		11/8/2014	0	
9/18/2014	0		10/14/2014	0.11		11/9/2014	0.29	Rain
9/19/2014	0		10/15/2014	0.45		11/10/2014	0	
9/20/2014	0		10/16/2014	0		11/11/2014	0	
9/21/2014	0		10/17/2014	0.14		11/12/2014	0	
9/22/2014	0		10/18/2014	0.31		11/13/2014	0	
9/23/2014	0		10/19/2014	0		11/14/2014	0	
9/24/2014	0.66	Rain	10/20/2014	0.44		11/15/2014	0	
9/25/2014	0.27	Rain	10/21/2014	0.1		11/16/2014	0	
9/26/2014	0.09	Rain	10/22/2014	1.43		11/17/2014	0	
9/27/2014	0		10/23/2014	0.35		11/18/2014	0	
9/28/2014	0		10/24/2014	0.13		11/19/2014	0	
9/29/2014	0	Fog-Rain	10/25/2014	0.37		11/20/2014	0.11	Rain
9/30/2014	0	Rain	10/26/2014	0.05		11/21/2014	0.67	Rain
October								
10/1/2014	0		10/28/2014	0.34		11/23/2014	0.42	Rain
10/2/2014	0		10/29/2014	0.04		11/24/2014	0.01	Rain
10/3/2014	0		10/30/2014	0.67		11/25/2014	0.33	Rain
10/4/2014	0		10/31/2014	0.77		11/26/2014	0.01	Rain
November								
10/6/2014	0		11/1/2014	0		11/28/2014	1.39	Rain
10/7/2014	0		11/2/2014	0.11		11/29/2014	0.06	Rain-Snow
10/8/2014	0		11/3/2014	0.24		11/30/2014	0	
10/9/2014	0		11/4/2014	0.05		December		

Precipitation Data

Kirkland, WA (KBF1)

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Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
12/1/2014	0		12/28/2014	0.06	Rain	1/22/2015	0.03	Rain
12/2/2014	0		12/29/2014	0		1/23/2015	0.08	Rain
12/3/2014	0		12/30/2014	0		1/24/2015	0.02	
12/4/2014	0.05	Rain	12/31/2014	0		1/25/2015	0.01	
12/5/2014	0.09	Rain	2015 Precipitation Data			1/26/2015	0	Fog
12/6/2014	0.25	Rain	January			1/27/2015	0.02	Rain
12/7/2014	0	Fog	1/1/2015	0		1/28/2015	0	
12/8/2014	0.45	Rain	1/2/2015	0.03		1/29/2015	0	
12/9/2014	0.42	Rain	1/3/2015	0	Rain	1/30/2015	0	Fog
12/10/2014	0.5	Rain	1/4/2015	0.22	Rain	1/31/2015	0	Fog
12/11/2014	0.33	Rain	1/5/2015	0.07	Rain	February		
12/12/2014	0		1/6/2015	0.01	Fog	2/1/2015	0.04	Rain
12/13/2014	0.01		1/7/2015	0		2/2/2015	0.3	Rain
12/14/2014	0	Fog	1/8/2015	0	Fog	2/3/2015	0.03	Fog-Rain
12/15/2014	0		1/9/2015	0.01	Fog-Rain	2/4/2015	0.3	Fog-Rain
12/16/2014	0	Rain	1/10/2015	0.18	Rain	2/5/2015	0.87	Rain
12/17/2014	0.16	Rain	1/11/2015	0.06	Fog-Rain	2/6/2015	0.75	Rain
12/18/2014	0.6	Rain	1/12/2015	0	Rain	2/7/2015	0.82	Rain
12/19/2014	0.13	Rain	1/13/2015	0		2/8/2015	0.15	Rain
12/20/2014	0.6	Rain	1/14/2015	0		2/9/2015	0.15	Rain
12/21/2014	0		1/15/2015	0.43	Rain	2/10/2015	0.02	Rain
12/22/2014	0		1/16/2015	0		2/11/2015	0	
12/23/2014	0.61	Rain	1/17/2015	0.76	Rain	2/12/2015	0.02	Rain
12/24/2014	0.12	Rain	1/18/2015	0.23	Rain	2/13/2015	0	Rain
12/25/2014	0		1/19/2015	0.03	Rain	2/14/2015	0.05	Rain
12/26/2014	0		1/20/2015	0		2/15/2015	0	
12/27/2014	0.12	Rain	1/21/2015	0	Fog	2/16/2015	0	
Precipitation Data			Kirkland, WA (KBFI)			http://www.wunderground.com/		

Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event	Date	Precipitation (inches)	Event
2/17/2015	0							
2/18/2015	0							
2/19/2015	0.03	Rain						
2/20/2015	0.02	Rain						
2/21/2015	0							
2/22/2015	0							
2/23/2015	0							
2/24/2015	0							
2/25/2015	0.07	Rain						
2/26/2015	0.22	Rain						
2/27/2015	0.73	Rain						
2/28/2015	0							
March								
3/1/2015	0							
3/2/2015	0							
3/3/2015	0							
3/4/2015	0							
3/5/2015	0							
3/6/2015	0							
3/7/2015	0	Rain						
3/8/2015	0							
3/9/2015	0							
3/10/2015	0	Fog						

CERTIFICATE OF SERVICE

I, Jessie Sherwood, certify under penalty of perjury of the laws of the State of Washington that on May 14, 2015, I served copies of the foregoing Complaint via United States Mail, postage prepaid with return receipt requested, upon the following:

Attorney General Loretta Lynch
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530

Attorney General - Citizen Suit Coordinator
Environmental and Natural Resources Division
Law & Policy Section
PO Box 7415
Ben Franklin Station
Washington, DC 20044-7415

Gina McCarthy
Administrator, U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code 1101A
Washington, DC 20460

Dennis J. McLerran
Regional Administrator
U.S. Environmental Protection Agency, Region 10
1200 Sixth Ave., Suite 900
Seattle, WA 98101

This certificate is being prepared and maintained according to standard protocol for this office.

Jessie C. Sherwood
Jessie Sherwood

5/14/2015
Date

CERTIFICATE OF SERVICE

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